

## Communication from Public

**Name:** Sheri Bonstelle

**Date Submitted:** 08/27/2021 07:47 AM

**Council File No:** 21-0834

**Comments for Public Posting:** Dear Chair Harris-Dawson and Members of the PLUM Committee, Our firm represents Westlake Apartments, LP, the owner of the property located at 831 N. Westlake Avenue (Council File No. 21-0834, ENV-2019-2894-CE-1A). Please see attached correspondence for the PLUM Committee hearing on Tuesday, August 31, 2021, including a letter and Exhibits A through I. (Except Exhibit H, LOD, which is already in the Council record). Thank you. Sheri L. Bonstelle | Partner Jeffer Mangels Butler & Mitchell LLP | JMBM 1900 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067 D: (310) 712-6847

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August 24, 2021

**BY EMAIL**

Chair Harris-Dawson and  
Members of the Planning and Land Use Committee of the  
Los Angeles City Council  
City Clerk  
Los Angeles City Hall  
200 N. Spring Street, Room 395  
Los Angeles, CA 90012  
E-Mail: [LACouncilComment.com](mailto:LACouncilComment.com)

Re: PLUM Hearing; Date: August 31, 2021  
Council File No. 21-0834, ENV-2019-2894-CE-1A  
831 N. Westlake Ave.

Dear Chair Harris-Dawson and Members of the PLUM Committee:

Our firm represents Westlake Apartments, LP, (the "Owner") the owner of the property located at 831 N. Westlake Avenue (the "Property"), and the developer of a multi-family Transit Oriented Communities ("TOC") project on the Property with 79 residential units, including 12 units affordable to Extremely Low and Very Low Income Households (the "Project"). The City Planning Director issued approval of the TOC Project over 18 months ago (DIR-2019-2893-TOC, ENV-2019-2894-CE), and it was not appealed, and no litigation was filed within the statute of limitations under the California Environmental Quality Act ("CEQA").

In reliance on the approval and the completion of the appeal period and the statute of limitations, the Owner spent several million dollars to date designing and permitting the Project with the building department ("LADBS") and various City agencies, and demolishing the structures. The City issued the demolition permit in 2020 (18019-10000-03343), and the Owner demolished the existing buildings on the Property. During the final plan check for the building permit (18010-10000-04038) in July 2021, the City notified the owner that it found a CEQA appeal filed in March 2020 (the "Appeal") that the City had "misplaced". The City violated the Municipal Code by forwarding the appeal to City Council and scheduling a hearing.

The City Council must immediately dismiss and/or deny the Appeal. First, the City violated the Municipal Code by accepting the CEQA Appeal, because all administrative appeals of the Project approval were not exhausted. (LAMC § 11.5.13) Second, the City failed to notify the Owner of the March 2020 Appeal in a timely manner as required by law, and the Owner

incurred substantial cost and expense in reliance on the City approvals and permits. Third, the CEQA Appeal identifies only a single issue of whether cumulative impacts can be considered for Class 32 exemptions under CEQA; The City Council has already decided this issue multiple times against the frequent appellant and litigant, Coalition for an Equitable Westlake (the "Appellant"), on other projects in the Westlake area. (e.g. Council File No. 21-0308, ENV-2020-2195-CE-1A) Fourth, the Appellant does not provide any substantial evidence in the record to support its claim that the Project does not qualify for a Class 32 exemption, or to identify any single impact caused by Project that should be considered as a cumulative impact. Finally, the City's report to the City Council includes numerous incorrect dates and errors that is further evidence of the City mishandling the case. To be clear, the City Planning Director approved the Project on February 19, 2020, and the 15-day appeal period ran on March 5, 2020 (and the 15-day CEQA appeal period ran on March 20, 2020); the City Council scheduled the PLUM Committee hearing on the CEQA appeal for August 31, 2021, which is 529 days after expiration of the CEQA appeal period and the Municipal Code requires that City Council act within 75 days. (LAMC § 11.5.13)

The Owner has already made a significant financial investment in the design and permitting of the Project and demolition of the buildings, and the delay caused by this CEQA appeal has already caused the owner significant damages. Any further delay will only increase the financial cost. The City Council must dismiss and/or deny the appeal or the City will be subject to claims for additional damages caused by the ongoing delay.

**1. The CEQA Appeal violated the Municipal Code, because all administrative appeals of the Project approval were not exhausted.**

The Appellant or other party did not appeal the TOC approval, and therefore, the Appellant did not meet all three prongs required to file a CEQA appeal to City Council. Section 11.5.13 of the LAMC provides the procedure for an appeal of a CEQA determination to City Council. The section specifically provides that the CEQA determination: "*may be appealed to the City Council, provided that:*

- 1. all administrative appeals of the Project approval were exhausted;*
- 2. the appeal is filed with the Department of City Planning within 15 days of the Project approval becoming final; and*
- 3. the appeal is filed in a form and manner required by the Department of City Planning."* (LAMC § 11.5.13.C)

A TOC Project approval may be appealed to the City Planning Commission only by the applicant, or an owner or tenant of abutting properties. (LAMC § 12.22.A.31(e) referencing § 12.22.A.25(g)) Section 12.22.A.25(g)(2)(i)(f) of the LAMC provides: "*An applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director's decision may appeal the decision to the City Planning Commission pursuant to applicable procedures set forth in Section [11.5.7](#) C.6. of this Code that are not in conflict with the provisions of this paragraph (g)(2)(i).*"

In this case, the TOC Project was supported by the community, and received an approval letter from the Westlake South Neighborhood Council. The Project was not appealed by the applicant or any abutting property owner or tenant. Therefore, the Appellant has not complied with the first prong required to file a CEQA appeal to City Council under LAMC § 11.5.13.C. The Appellant claims that it could not file an appeal to Planning Commission, because it did not qualify to file the appeal that was only limited to neighbors (see adjacent owner list), and therefore had a second chance to appeal to City Council. This is not contrary to law.

The Municipal Code does not state that the administrative appeals had to be by the Appellant or that the same appellant had to file both the appeal to Planning Commission and City Council; however, it does require that "*all administrative appeals of the Project approval were exhausted*," which means that someone was required to file the administrative appeal. Here, the City intended to limit the appeals of TOC projects with affordable housing to those people that were impacted in the immediate vicinity of the Project, and not to allow all persons to file an appeal. The CEQA appeal provisions do not expand or supersede who can appeal the Project approvals for TOC projects, because the CEQA appeal language specifically requires that a neighbor or applicant appealed the Project and CEQA determination to the Planning Commission as the initial appeal in order for anyone to further appeal the CEQA determination to City Council. Here, no one appealed the Project to the Planning Commission, and therefore, the Appellant has not met the three prongs required for a CEQA appeal.

In addition, there is no authority under State law to allow anyone to appeal the CEQA decision to the City Council. Section 11.5.13.C of the LAMC states that: "This section is intended to implement California Public Resources Code Sections 21151(c) and 21155.2(b)(6) consistent with the requirements of the California Environmental Quality Act (CEQA)." These sections identify that CEQA determinations may be appealable to a legislative body and require a public hearing, but do not restrict the City's ability to identify qualified appellants or to require exhaustion of administrative remedies.

Here, the Planning Director approved the TOC Project on February 19, 2020, and the 15-day appeal period ran on March 5, 2020 without any appeal and the decision was final. Therefore, the Appellant did not have any right or authority to file the CEQA Appeal on March 10, 2020.

**2. The City failed to provide the Owner timely notice of the CEQA Appeal and to process the Appeal within the time limits in the Municipal Code.**

The Appellant filed the CEQA appeal on March 10, 2020, but the City did not inform the Owner of the CEQA appeal until June 2021, which was more than 14 months later. As stated above, the Planning Director approved the TOC Project on February 19, 2020, and the 15-day appeal period ran on March 5, 2020 without any appeal and the decision was final. The Owner filed the Notice of Determination ("NOD") and the statute of limitations ran on any CEQA claims. In reliance on law, the Owner made substantial financial investment in preparing construction drawings and required studies, securing demolition and construction permits from LADBS and

other agencies, and demolishing the structures on the Property. ( See Permit Nos. 18019-10000-03343, 18010-10000-04038)

Pursuant to LAMC 11.5.13.D, upon a timely filing of an appeal "there shall be a stay on the Project approval and any discretionary or ministerial permits issued in reliance upon the Project approval." Here, the City did not notify the Owner or stay the Project approval, and instead continued to process permits and approvals in reliance on the Project approval. Pursuant to LAMC 11.5.13.D, the City Council is required to act on the CEQA appeal within 75 days after the expiration of the appeal period (or a mutually agreed period by the applicant). If the Appellant had exhausted administrative remedies, the CEQA 15-day appeal period would have expired on March 20, 2020, and the City Council hearing would be required to be held by June 3, 2020. The planning department did not even transfer the file to the City Council until July 27, 2021.

On March 21, 2020, the Mayor issued an emergency order tolling the time for the City to act on applications under the zoning code, and this order has been extended. However, this order did not waive any obligation of the City to comply with the provisions of the zoning code, including the obligation to notify the Owner of the appeal and the extension of the hearing date, and staying the permits on the Project approval. The City cannot use the Mayor's order to justify "misplacing" an appeal for over a year. The City failed to hold a hearing within 75 days, or to notify the Owner of the appeal and any hearing date extension; therefore, the appeal is deemed denied.

The Owner has not, and does not, agree to extend any appeal hearing date. The City is hereby estopped from processing the Appeal because it failed to act in a timely manner and according to law.

**3. The Appeal fails to include any substantial evidence in the record to support a claim related to a Class 32 exemption under CEQA, and the City Council has already denied identical claims by the Appellant for other projects in the Westlake area.**

The Appellant makes only one claim in the CEQA Appeal, which is that there is an exception to the Class 32 Categorical exemption because of cumulative impacts caused by the number of residential projects in the Westlake area. The Appeal lists 35 addresses of supposed past, current and future projects within approximately one mile radius of the Property. However, the Appeal does not even identify any single impact that should be considered under a cumulative impact analysis.

The City's determination that the Project falls within the Class 32 Categorical exemption includes an implied finding that none of the exceptions identified in the CEQA Guidelines apply. The burden shifts to the Appellant to produce substantial evidence that one of the exceptions applies to take the Project out of the exempt category. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4<sup>th</sup> 1086; *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4<sup>th</sup> 1012, 1022-23) Here, the Appellant has not met its burden because no

facts were submitted in the administrative record to conclude that there will be a significant cumulative impact of successive projects on the same time in the same place over time. The Appellant does not even state which cumulative impacts are at issue or provide any supporting facts regarding those impacts. The cumulative impact exception applies when the environmental impact at issue affects the environment in general. (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 1010 Cal.App.4<sup>th</sup> 786,799) The exception is not triggered based on speculation that significant cumulative impacts will occur simply due to the number of projects in the area without any specific evidence. (*Hines v. California Coastal Commission* (2010) 186 Cal.App.4<sup>th</sup> 830, 857) In addition, the exception applies to cumulative impacts of projects "in the same place," and not in the greater environment; therefore, the projects listed within the one mile radius do not even qualify as being located "in the same place." (*Robinson v. City and County of San Francisco* (2012) 208 Cal.App.4<sup>th</sup> 950, 958)

As stated in the Project approvals (ENV-2019-2894-CE), the Project meets all of the criteria to qualify as an infill site under the Class 32 CEQA Exemption (CEQA Guidelines Section 15332). On October 9, 2019, the Planning Department designated the Project as Categorically Exempt under Article 19, Section 15332, and Class 32, because it is developed on an infill site and meet the criteria, including, consistency with the general plan and zoning, on a site less than 5 acres, that has no endangered habitat, that would not result in significant impacts to traffic, noise, air quality or water quality, and that is adequately served by utilities and public services. The City's determination identified that the Project is subject to Regulatory Compliance Measures (RCM's) including compliance with the noise ordinance, pollutant discharge, dewatering, stormwater mitigations, best management practices for stormwater runoff, and other RCMs including related to aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, and public utilities.

The CEQA determination also considered five exceptions to the Class 32 CEQA exemption, including cumulative impacts, significant effect, scenic highways, hazardous waste sites and historic resources. The City determined that there was no cumulative impact exception, because there is not a succession of known projects of the same type and in the same place as the Project. The 79 unit multi-family building is in an area zoned and designated for this type of development, and all adjacent properties were already developed with multi-family residential buildings. Therefore, the City properly determined that the Project qualified for a Class 32 exemption, and that there was not a cumulative impact exception to the Class 32 exemption.

**4. The City's report to the City Council includes numerous incorrect dates and errors that is further evidence of the City's mishandling of the Appeal.**

The Planning Department Transmittal to the City Clerk's office, dated July 27, 2021, provides incorrect dates. It states the last date to appeal CEQA was March 20, 2021, but it was March 20, 2020, one year earlier. The form states the CEQA Appeal was dated March 10, 2021, but it was March 10, 2020. On the Appeal application form, it states the Date of the Final Entitlement Determination was February 27, 2020, but it was February 19, 2020. On the City

Council file website, it states: "Time Limit has been tolled pursuant to the Mayor's Public Order issued on 3/21/2020. (Original Time Limit: 6/3/21) " However, the Original Time Limit was June 3, 2020, and not June 3, 2021. It is clear that the planning and City Council staff do not understand that the Appeal was filed almost 18 months prior to the PLUM Committee hearing date.

The City Council must dismiss and/or deny the appeal in compliance with the LAMC provisions and State CEQA law.

Sincerely,



BENJAMIN M. REZNIK and  
SHERI BONSTELLE of  
Jeffer Mangels Butler & Mitchell LLP

Encls.

Exhibit A – NOE  
Exhibit B – LAMC §§ 11.5.13, 12.22.A.31, 12.22.A.25.(g)  
Exhibit C – CEQA Sections 21151(c), 21155.2(b)(6)  
Exhibit D – City Correspondence  
Exhibit E – Building Permits  
Exhibit F – Westlake South NC Support Letter  
Exhibit G – CEQA Appeal Receipt  
Exhibit H – TOC Project Approval  
Exhibit I – Coalition Appeals

BMR

cc: Marie Pichay, City Planner, [marie.pichay@lacity.org](mailto:marie.pichay@lacity.org)  
Armando Bencomo, Deputy City Clerk, [clerk.plumcommittee@lacity.org](mailto:clerk.plumcommittee@lacity.org)  
Debbie Lawrence, Principal City Planner, [debbie.lawrence@lacity.org](mailto:debbie.lawrence@lacity.org)  
Gerald Gubatan, Council District Planning Deputy, [gerald.gubatan@lacity.org](mailto:gerald.gubatan@lacity.org)



## Communication from Public

**Name:** Sheri Bonstelle  
**Date Submitted:** 08/27/2021 07:54 AM  
**Council File No:** 21-0834  
**Comments for Public Posting:** Attached are Exhibits A thru D to the Letter in the prior comment.



COUNTY CLERK'S USE

## CITY OF LOS ANGELES

OFFICE OF THE CITY CLERK  
200 NORTH SPRING STREET, ROOM 395  
LOS ANGELES, CALIFORNIA 90012

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS  
DIR-2019-2893-TOC

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2019-2894-CE

PROJECT TITLE

831 - 835 1/2 South Westlake TOC

COUNCIL DISTRICT

1 - Cedillo

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

831 - 835 1/2 South Westlake Avenue

☐ Map attached.

PROJECT DESCRIPTION:

Demolition of a seventeen (17) dwelling unit multi-family apartment building and the construction, use and maintenance of seventy-nine (79) dwelling units within 52,740 square feet of floor area. The project includes forty (40) vehicular parking spaces, six (6) short-term bicycle parking spaces and sixty (60) long-term bicycle parking spaces. The Project includes twelve (12) On-Site Restricted Affordable dwelling units.

☐ Additional page(s) attached.

NAME OF APPLICANT / OWNER:

Mobbil Inc.

CONTACT PERSON (If different from Applicant/Owner above)

Behrouz Bozorgnia

(AREA CODE) TELEPHONE NUMBER

(310) 909-62335

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

## STATE CEQA STATUTE &amp; GUIDELINES

☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) \_\_\_\_\_

☒ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)CEQA Guideline Section(s) / Class 15332, Class 32☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b) )

JUSTIFICATION FOR PROJECT EXEMPTION:

Infill project surrounded by urban environment.

☐ Additional page(s) attached☒ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☒ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

## CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Hakeem R. Parke-Davis



STAFF TITLE

Planning Assistant

ENTITLEMENTS APPROVED

DIR-2019-2893-TOC

FEE:

5,774.00

RECEIPT NO.

0102040248

REC'D. BY (DCP DSC STAFF NAME)

Roux, LaTanya

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

**CITY PLANNING COMMISSION**

**SAMANTHA MILLMAN**  
PRESIDENT

**VAHID KHORSAND**  
VICE-PRESIDENT

**DAVID H. J. AMBROZ**

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**CITY OF LOS ANGELES  
CALIFORNIA**



**ERIC GARCETTI**  
MAYOR

**EXECUTIVE OFFICES**

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DEPUTY DIRECTOR

# JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2019-2894-CE

## **CLASS 32 CE JUSTIFICATION & EXCEPTIONS NARRATIVE FOR CATEGORICAL EXEMPTIONS MANDATORY REGULATORY COMPLIANCE MEASURES**

On October 9, 2019, the Planning Department determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Categorically Exempt under Article 19, Section 15332, and Class 32.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

The project is for the demolition of a seventeen (17) dwelling unit multi-family apartment building and the construction, use and maintenance of a seven-story, multi-family apartment building consisting of seventy-nine (79) dwelling units within 52,740 square feet. As multi-family apartment building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

The site is zoned R4-1 and has a General Plan Land Use Designation of Medium Residential. As shown in the case file, the project is consistent with the applicable Westlake Community Plan designation and policies and all applicable zoning designations and regulations. The subject site is wholly within the City of Los Angeles, on a site that is approximately .4 acres. The adjacent lots and surrounding area are developed with urban land uses such as medium to large multi-family housing developments and a religious institution and commercial buildings. The surrounding

neighborhood is developed with streets, sidewalk, gutter, sewer, utilities and street trees. The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. There are no protected trees on-site. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff.

The applicant shall also adhere to any applicable Regulatory Compliance Measures required by law. Listed below is a list of often-required Regulatory Compliance Measures. Please note that requirements are determined on a case by case basis.

### **AESTHETICS**

- **Regulatory Compliance Measure RC-AE-3 (Vandalism): Compliance with provisions of the Los Angeles Building Code.** The project shall comply with all applicable building code requirements, including the following:
  - Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
  - The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.
- **Regulatory Compliance Measure RC-AE-4 (Signage): Compliance with provisions of the Los Angeles Building Code.** The project shall comply with the Los Angeles Municipal Code Section 91.6205, including on-site signage maximums and multiple temporary sign restrictions, as applicable.
- **Regulatory Compliance Measure RC-AE-5 (Signage on Construction Barriers): Compliance with provisions of the Los Angeles Building Code.** The project shall comply with the Los Angeles Municipal Code Section 91.6205, including but not limited to the following provisions:
  - The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS".
  - Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
  - The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.

### **AIR QUALITY**

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
  - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
  - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
  - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
  - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
  - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-AQ-2:** In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
  - **Regulatory Compliance Measure RC-AQ-3:** In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
  - **Regulatory Compliance Measure RC-AQ-4:** The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.
  - **Regulatory Compliance Measure RC-AQ-5:** The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.
  - **Regulatory Compliance Measure RC-AQ-6:** New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.

## **CULTURAL RESOURCES**

- **Regulatory Compliance Measure RC-CR-2 (Archaeological):** If archaeological resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. Personnel of the proposed Modified Project shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project site. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2.
  - Distinctive features, finishes and construction techniques or examples of skilled craftsmanship which characterize an historic property shall be preserved.
  - Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive historic feature, the new feature shall match the old in design, color, texture, and other visual qualities,

and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- **Regulatory Compliance Measure RC-CR-3 (Paleontological):** If paleontological resources are discovered during excavation, grading, or construction, the City of Los Angeles Department of Building and Safety shall be notified immediately, and all work shall cease in the area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2.
  - **Regulatory Compliance Measure CR-4 (Human Remains):** If human remains are encountered unexpectedly during construction demolition and/or grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code (PRC) Section 5097.98. In the event that human remains are discovered during excavation activities, the following procedure shall be observed:
    - Stop immediately and contact the County Coroner:  
 1104 N. Mission Road  
 Los Angeles, CA 90033  
 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or  
 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)

If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).  
 The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.

    - The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
    - If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

## **GEOLOGY AND SOILS**

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

- **Regulatory Compliance Measure RC-GHG-1 (Green Building Code):** In accordance with the City of Los Angeles Green Building Code (Chapter IX, Article 9, of the Los Angeles Municipal Code), the Project shall comply with all applicable mandatory provisions of the 2013 Los Angeles Green Code and as it may be subsequently amended or modified.

### **HAZARDS AND HAZARDOUS MATERIALS**

- **Regulatory Compliance Measure RC-HAZ-1: Explosion/Release (Existing Toxic/Hazardous Construction Materials)**
  - **(Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
  - **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

### **HYDROLOGY AND WATER QUALITY**

- **Regulatory Compliance Measure RC-WQ-1: National Pollutant Discharge Elimination System General Permit.** Prior to issuance of a grading permit, the Applicant shall obtain coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System No. CAS000002) (Construction General Permit) for Phase 1 of the proposed Modified Project. The Applicant shall provide the Waste Discharge Identification Number to the City of Los Angeles to demonstrate proof of coverage under the Construction General Permit. A Storm Water Pollution Prevention Plan shall be prepared and implemented for the proposed Modified Project in compliance with the requirements of the Construction General Permit. The Storm Water Pollution Prevention Plan shall identify construction Best Management Practices to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in stormwater runoff as a result of construction activities.
- **Regulatory Compliance Measure RC-WQ-2: Dewatering.** If required, any dewatering activities during construction shall comply with the requirements of the Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2008-0032, National Pollutant Discharge Elimination System No. CAG994004) or subsequent permit. This will include submission of a Notice of Intent for coverage under the permit to the Los Angeles Regional Water Quality Control Board at least 45 days prior to the start of dewatering and compliance with all applicable provisions in the permit, including water sampling, analysis, and reporting of dewatering-related discharges.
- **Regulatory Compliance Measure RC-WQ-3: Low Impact Development Plan.** Prior to issuance of grading permits, the Applicant shall submit a Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan to the City of Los Angeles Bureau of

Sanitation Watershed Protection Division for review and approval. The Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan shall be prepared consistent with the requirements of the Development Best Management Practices Handbook.

- **Regulatory Compliance Measure RC-WQ-4: Development Best Management Practices.** The Best Management Practices shall be designed to retain or treat the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period, in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a licensed civil engineer or licensed architect confirming that the proposed Best Management Practices meet this numerical threshold standard shall be provided.
- **Regulatory Compliance Measure RC-WQ-5 (Alteration of a State or Federal Watercourse):** The project shall comply with the applicable sections of the federal Clean Water Act (CWA) and California's Porter Cologne Water Quality Control Act (Porter Cologne). Prior to the issuance of any grading, use of land, or building permit which may affect an existing watercourse, the applicant shall consult with the following agencies and obtain all necessary permits and/or authorizations, to the satisfaction of the Department of Building and Safety. Compliance shall be determined through written communication from each jurisdictional agency, a copy of which shall be submitted to the Environmental Review case file for reference:
  - *United States Army Corps of Engineers.* The applicant shall obtain a Jurisdictional Determination (preliminary or approved), or a letter otherwise indicating that no permit is required. Contact: Aaron O. Allen, Chief - North Coast Branch, Regulatory Division, 805-585-2148.
  - *State Water Resources Control Board.* The applicant shall consult with the 401 Certification and Wetlands Unit and obtain all necessary permits and/or authorizations, or a letter otherwise indicating that no permit is required. Contact: 401 Certification and Wetlands Unit, Los Angeles Region, 320 W 4th Street, #200, Los Angeles, CA 90013, (213) 576-6600.
  - *California Department of Fish and Wildlife.* The applicant shall consult with the Lake and Streambed Alteration Agreement Program and obtain a Streambed Alteration Agreement, or a letter otherwise indicating that no permit is required. Contact: LSAA Program, 4949 Viewridge Avenue, San Diego, CA 92123, (858) 636-3160.

## **NOISE**

- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.



- **New Regulatory Compliance Measure RC-PH-1 (Tenant Displacement):**
  - **Apartment Demolition** - Prior to the issuance of a demolition permit, and pursuant to the provisions of Section 47.07 of the Los Angeles Municipal Code, a tenant relocation plan shall be submitted to the Los Angeles Housing Department for review and approval.

## **PUBLIC SERVICES**

### **Schools**

- **Regulatory Compliance Measure RC-PS-1 (Payment of School Development Fee)**  
Prior to issuance of a building permit, the General Manager of the City of Los Angeles, Department of Building and Safety, or designee, shall ensure that the Applicant has paid all applicable school facility development fees in accordance with California Government Code Section 65995.

### **Parks**

- **Regulatory Compliance Measure RC-PS-2 (Increased Demand For Parks Or Recreational Facilities):**
  - (*Apartments*) Pursuant to Section 21.10 of the Los Angeles Municipal Code, the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings.
- **Regulatory Compliance Measure RC-PS-3 (Increase Demand for Parks or Recreational Facilities – Zone Change)** Pursuant to Section 12.33 of the Los Angeles Municipal Code, the applicant shall pay the applicable fees for the construction of dwelling units.

## **PUBLIC UTILITIES AND SERVICE SYSTEMS**

### **Water Supply**

- **Regulatory Compliance Measure RC-WS-1 (Fire Water Flow)** The Project Applicant shall consult with the LADBS and LAFD to determine fire flow requirements for the Proposed Project, and will contact a Water Service Representative at the LADWP to order a SAR. This system hydraulic analysis will determine if existing LADWP water supply facilities can provide the proposed fire flow requirements of the Project. If water main or infrastructure upgrades are required, the Applicant would pay for such upgrades, which would be constructed by either the Applicant or LADWP.
- **Regulatory Compliance Measure RC-WS-2 (Green Building Code):** The Project shall implement all applicable mandatory measures within the LA Green Building Code that would have the effect of reducing the Project's water use.
- **Regulatory Compliance Measure RC-WS-4 (Landscape)** The Project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

### **Energy**

- **Regulatory Compliance Measure RC-EN-1(Green Building Code):** The Project shall implement all applicable mandatory measures within the LA Green Building Code that would have the effect of reducing the Project's energy use.

**Solid Waste**

- **Regulatory Compliance Measure RC-SW-1 (Designated Recycling Area)** In compliance with Los Angeles Municipal Code, the proposed Modified Project shall provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, and metals.
- **Regulatory Compliance Measure RC-SW-2 (Construction Waste Recycling)** In order to meet the diversion goals of the California Integrated Waste Management Act and the City of Los Angeles, which will total 70 percent by 2013, the Applicant shall salvage and recycle construction and demolition materials to ensure that a minimum of 70 percent of construction-related solid waste that can be recycled is diverted from the waste stream to be landfilled. Solid waste diversion would be accomplished through the on-site separation of materials and/or by contracting with a solid waste disposal facility that can guarantee a minimum diversion rate of 70 percent. In compliance with the Los Angeles Municipal Code, the General Contractor shall utilize solid waste haulers, contractors, and recyclers who have obtained an Assembly Bill (AB) 939 Compliance Permit from the City of Los Angeles Bureau of Sanitation.
- **Regulatory Compliance Measure RC-SW-3 (Commercial/Multifamily Mandatory Recycling)** In compliance with AB341, recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the Proposed Project's regular solid waste disposal program. The Project Applicant shall only contract for waste disposal services with a company that recycles solid waste in compliance with AB341.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of a seventy-nine (79) unit multi-family building will be on a site, which has been, previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a seventy-nine (79) unit multi-family building in an area zoned and designated for such development. All adjacent lots are developed with multi-family residential buildings to the north and east of the subject site and commercial uses south and west of the site. The subject site is of a similar size and slope to nearby properties. The project proposes a floor area ratio (far) of 3.94:1 or 52,740 square feet in lieu of 3:1 otherwise allowed by R4-1 Zone. The R4-1 Zone does not regulate height. 6,187.75 square feet of open space is provided in lieu of 8,150 square feet otherwise required pursuant to a TOC Incentive reduction. The scale of development is not unusual for the vicinity of the subject site, and is

similar in scope to other existing medium to large multi-family developments in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment. Additionally, the only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The subject site is located more than 20 mile away from any portion of this Scenic Highway and therefore the subject site will not create any impacts within a designated as a state scenic highway. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in a 1,000-foot vicinity, is identified as a hazardous waste site. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

### **SEC. 11.5.13. CEQA PROCEDURES.**

**(Added by Ord. No. 186,338, Eff. 11/27/19.)**

A. **Purpose.** This section is intended to implement California Public Resources Code Sections 21151(c) and 21155.2(b)(6) consistent with the requirements of the California Environmental Quality Act (CEQA).

B. **Definition.** "**Project**" in this section is as defined by Public Resources Code Section 21065 and CEQA Guidelines Section 15378.

C. **Appeal.** When any decision-maker in any action authorized by this Chapter, other than the City Council, certifies an environmental impact report, adopts a negative declaration, a mitigated negative declaration, or a sustainable communities environmental assessment; or determines that the Project subject to approval under this Chapter is not subject to CEQA, that certification, approval, or determination may be appealed to the City Council, provided that:

1. all administrative appeals of the Project approval were exhausted;
2. the appeal is filed with the Department of City Planning within 15 days of the Project approval becoming final; and
3. the appeal is filed in a form and manner required by the Department of City Planning.

D. **Stay.** Upon the timely filing of an appeal pursuant to Subsection C., there shall be a stay on the Project approval and any discretionary or ministerial permits issued in reliance upon the Project approval. Notwithstanding any contrary language in this Code, the time to act on any related Project approval shall be tolled until the appeal is decided by the City Council.

E. **Hearing and Decision.** The City Council shall act on the CEQA appeal within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the City Council. The City Council shall hold a public hearing before acting on the appeal. Notice of the hearing shall be given by mail at least ten days before the hearing to the applicant; the appellant; any person or entity that has made a request in writing to receive CEQA notices; and any responsible or trustee agencies.

## **SEC. 12.22. EXCEPTIONS.**

### **A. Use.**

#### **25. Affordable Housing Incentives - Density Bonus. (Amended by Ord. No. 179,681, Eff. 4/15/08.)**

##### **(g) Procedures.**

(1) **Density Bonus and Parking.** Housing Development Projects requesting a Density Bonus without any Incentives (which includes a Density Bonus with only parking requirements in accordance with Paragraphs (c) and (d) of this subdivision) shall be considered ministerial and follow the Affordable Housing Incentives Guidelines and the Density Bonus Procedures. No application for these projects need be filed with the City Planning Department.

##### **(2) Requests for Incentives on the Menu.**

(i) The applicant for Housing Development Projects that qualify for a Density Bonus and that request up to three Incentives on the Menu of Incentives in Paragraph (f) of this subdivision, and which require no other discretionary actions, the following procedures shall apply:

a. **Application.** The request shall be made on a form provided by the Department of City Planning, as set forth in Section [11.5.7](#) B.2.(a) of this Code, accompanied by applicable fees.

b. **Authority. (Amended by Ord. No. 182,106, Eff. 5/20/12.)** The Director shall be the initial decision maker for applications seeking on Menu incentives.

**EXCEPTION:** When the application is filed as part of a project requiring multiple approvals, the initial decision maker shall be as set forth in Section [12.36](#) of this Code; and when the application is filed in conjunction with a subdivision and no other approval, the Advisory Agency shall be the initial decision-maker.

c. **Action.** The Director shall approve a Density Bonus and requested Incentive(s) unless the Director finds that:

(i) The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units; or

(ii) The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

d. **Transmittal of Written Decision.** Within three business days of making a decision, the Director shall transmit a copy by First Class Mail to the applicant and to all owners of properties abutting, across the street or alley from, or having a common corner with the subject property, and to the local Certified Neighborhood Council.

e. **Effective Date of Initial Decision.** The Director's decision shall become effective after an elapsed period of 15 calendar days from the date of the mailing of the written decision unless an appeal is filed to the City Planning Commission.

f. **Appeals. (Amended by Ord. No. 182,106, Eff. 5/20/12.)** An applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director's decision may appeal the decision to the City Planning Commission pursuant to applicable procedures set forth in Section [11.5.7](#) C.6. of this Code that are not in conflict with the provisions of this paragraph (g)(2)(i). The appeal shall include a filing fee pursuant to Section [19.01](#) B. of this Code. Before acting on any appeal, the City Planning Commission shall set the matter for hearing, with written notice of the hearing sent by First Class Mail at least ten days prior to the meeting date to: the applicant; the owner(s) of the property involved; and the interested parties who have requested notice in writing. The appeal shall be placed on the agenda for the first available meeting date of the City Planning Commission and acted upon within 60 days from the last day of the appeal period. The City Planning Commission may reverse or modify, in whole or in part, a decision of the Director. The City Planning Commission shall make the same findings required to be made by the Director, supported by facts in the record, and indicate why the Director erred making the determination.

**EXCEPTION:** When the application is filed as part of a project requiring multiple approvals, the appeals procedures set forth in Section [12.36](#) of this Code shall govern. When the application is filed in conjunction with a Parcel Map and no other approval, the appeals procedures set forth in Section [17.54](#) of this Code shall govern. When the application is filed in conjunction with a tentative map and no other approval, the appeals procedures set forth in Section [17.06](#) A.3. of this Code shall govern, provided that such applications shall only be appealable to the Appeal Board, as defined in Section [17.02](#) of this Code, and shall not be subject to further appeal to the City's legislative body.

(ii) For Housing Development Projects that qualify for a Density Bonus and for which the applicant requests up to three Incentives listed in Paragraph (f), above, and that require other discretionary actions, the applicable procedures set forth in Section 12.36 of this Code shall apply.

a. The decision must include a separate section clearly labeled "Density Bonus/ Affordable Housing Incentives Program Determination".

b. The decision-maker shall approve a Density Bonus and requested Incentive(s) unless the decision-maker, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (2)(i)(c), above.

**(3) Requests for Waiver or Modification of any Development Standard(s) Not on the Menu.**

(i) For Housing Development Projects that qualify for a Density Bonus and for which the applicant request a waiver or modification of any development standard(s) that is not included on the Menu of Incentives in Paragraph (f), above, and that are not subject to other discretionary applications, the following shall apply:

a. The request shall be made on a form provided by the Department of City Planning, accompanied by applicable fees, and shall include a pro forma or other documentation to show that the waiver or modification of any development standard(s) are needed in order to make the Restricted Affordable Units economically feasible.

b. **Notice and Hearing.** The application shall follow the procedures for conditional uses set forth in Section 12.24 D. of this Code. A public hearing shall be held by the City Planning Commission or its designee. The decision of the City Planning Commission shall be final.

c. The City Planning Commission shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the Commission, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)c., above.

(ii) For Housing Development Projects requesting waiver or modification of any development standard(s) not included on the Menu of Incentives in Paragraph (f) above, and which include other discretionary applications, the following shall apply:

a. The applicable procedures set forth in Section 12.36 of this Code shall apply.

b. The decision must include a separate section clearly labeled “Density Bonus/ Affordable Housing Incentives Program Determination”.

c. The decision-maker shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the decision- maker, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)c., above.



**31. Transit Oriented Communities Affordable Housing Incentive Program. (Added by Ord. No. 184,745, Eff. 12/13/16.)**

(a) **Application of TOC Affordable Housing Incentive Program.** This Transit Oriented Communities Affordable Housing Incentive Program, and the provisions contained in the TOC Affordable Housing Incentive Program Guidelines, shall apply to all Housing Developments that are located within a one-half mile radius of a Major Transit Stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code. Each one-half mile radius around a Major Transit Stop shall constitute a unique Transit Oriented Communities Affordable Housing Incentive Area.

(b) **Preparation and Content of TOC Incentive Guidelines.** Within 90 days of enactment of this Ordinance, the Director of Planning shall prepare TOC Affordable Housing Incentive Program Guidelines ("TOC Guidelines") that provide the eligibility standards, incentives, and other necessary components of this TOC Incentive Program described herein. Nothing in the TOC Guidelines shall restrict any right authorized in the underlying zone or height district. The TOC Guidelines shall be drafted consistent with the purposes of this Subdivision and shall include the following:

(1) **Eligibility for TOC Incentives.** A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it provides minimum required percentages of On-Site Restricted Affordable Units, meets any applicable replacement requirements of California Government Code Section 65915(c)(3), and is not seeking and receiving a density or development bonus under the provisions of California Government Code Section 65915 or any other State or local program that provides development bonuses. Minimum required percentages of On-Site Restricted Affordable Units shall be determined by the Department of City Planning and set forth in the TOC Guidelines at rates that meet or exceed 11% of the total number of dwelling units affordable to Very Low income households; or 20% of the total number of dwelling units affordable to Lower Income households. The Department of City Planning shall also establish an option for a Developer to qualify for the TOC Incentives by providing a minimum percentage of units for Extremely Low Income Households, which shall be set at no less than 7%. In calculating the required Restricted Affordable Units, the percentage shall be based on the total final project unit count, and any number resulting in a fraction shall be rounded up to the next whole number. In creating the TOC Guidelines, the Department of City Planning shall identify incentives for projects that adhere to the labor standards required in Section 5 of this Ordinance provided, that no such incentives will be created that have the effect of undermining the affordable housing incentives contained herein or in Government Code Section 65915.

(2) **TOC Incentives.** An Eligible Housing Development shall be granted TOC Incentives, as determined by the Department of City Planning consistent with the following:

(i) **Residential Density increase.** An Eligible Housing Development shall be granted increased residential density at rates that shall meet or exceed a 35% increase. In establishing the density allowances, the Department of City Planning may allow adjustments to minimum square

feet per dwelling unit, floor area ratio, or both, and may allow different levels of density increase depending on the Project's base zone and density.

(ii) **Parking.** An Eligible Housing Development shall be granted parking reductions consistent with California Government Code Section 65915(p).

(iii) **Incentives and Concessions.** An Eligible Housing Development may be granted up to either two or three incentives or concessions based upon the requirements set forth in California Government Code Section 65915(d)(2).

(c) **Approval of TOC Guidelines and Incentives.** The City Planning Commission shall review the TOC Guidelines and shall by vote make a recommendation to adopt or reject the TOC Guidelines.

(d) **Process for Changing TOC Incentives and Eligibility.** The TOC Incentives and the required percentages for On-Site Restricted Affordable Units may be adjusted for an individual TOC Affordable Housing Incentive Area through a Community Plan update, Transit Neighborhood Plan, or Specific Plan, provided that the required percentages for On-Site Restricted Affordable Units may not be reduced below the percentages set forth in subdivision (b).

(e) **Procedures.** Application for the TOC Incentives shall be made on a form provided by the Department of City Planning, and shall follow the procedures outlined in Los Angeles Municipal Code Section [12.22](#) A.25.(g).

(f) **Covenant.** Prior to issuance of a building permit to create a Housing Development, the following shall apply:

(1) For any Housing Development qualifying for a TOC Incentive that contains rental housing for Extremely Low, Very Low, or Lower Income households, a covenant acceptable to the Los Angeles Housing and Community Investment Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for 55 years or longer.

(2) For any Housing Development qualifying for a TOC Incentive that contains for-sale housing, a covenant acceptable to the Housing and Community Investment Department and consistent with the for-sale requirements of California Government Code Section 65915(c)(2) shall be recorded with the Los Angeles County Recorder.

(3) If the duration of affordability covenants provided for in this subdivision conflicts with the duration for any other government requirement, the longest duration shall control.

(g) **Definitions.**

"**Eligible Housing Development**" shall mean a Housing Development that includes On-Site Restricted Affordable Units at a rate that meets or exceeds the minimum requirements to satisfy

the TOC Incentives, as determined by the Department of City Planning and as set forth in paragraph (b)(1) above.

**"Extremely Low-Income Households"** is defined in Section 50106 of the Health and Safety Code.

**"Housing Development"** shall mean the construction of five or more new residential dwellings units, the addition of five or more residential dwelling units to an existing building or buildings, the remodeling of a building or buildings containing five or more residential dwelling units, or a mixed use development containing residential dwelling units.

**"Lower Income Households"** is defined in Section 50079.5 of the Health and Safety Code.

**"On-Site Restricted Unit"** shall mean a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Extremely Low, Very Low, or Lower income households, as determined by the Housing and Community Investment Department.

**"Very Low-Income Households"** is defined in Section 50105 of the Health and Safety Code.



## **PUBLIC RESOURCES CODE - PRC**

**DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.70.10]** ( *Division 13 added by Stats. 1970, Ch. 1433.*  )

**CHAPTER 4. Local Agencies [21150 - 21154]** ( *Chapter 4 added by Stats. 1970, Ch. 1433.*  )

**21151.** (a) All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project that they intend to carry out or approve which may have a significant effect on the environment. When a report is required by Section 65402 of the Government Code, the environmental impact report may be submitted as a part of that report.

(b) For purposes of this section, any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the area as defined in Section 21060.5.

(c) If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.

*(Amended by Stats. 2002, Ch. 1121, Sec. 2. Effective January 1, 2003.)*



## PUBLIC RESOURCES CODE - PRC

### **DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.70.10]** ( *Division 13 added by Stats. 1970, Ch. 1433.* )

#### **CHAPTER 4.2. Implementation of the Sustainable Communities Strategy [21155 - 21155.4]** ( *Chapter 4.2 added by Stats. 2008, Ch. 728, Sec. 14.* )

**21155.2.** (a) A transit priority project that has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081, shall be eligible for either the provisions of subdivision (b) or (c).

(b) A transit priority project that satisfies the requirements of subdivision (a) may be reviewed through a sustainable communities environmental assessment as follows:

(1) An initial study shall be prepared to identify all significant or potentially significant impacts of the transit priority project, other than those which do not need to be reviewed pursuant to Section 21159.28 based on substantial evidence in light of the whole record. The initial study shall identify any cumulative effects that have been adequately addressed and mitigated pursuant to the requirements of this division in prior applicable certified environmental impact reports. Where the lead agency determines that a cumulative effect has been adequately addressed and mitigated, that cumulative effect shall not be treated as cumulatively considerable for the purposes of this subdivision.

(2) The sustainable communities environmental assessment shall contain measures that either avoid or mitigate to a level of insignificance all potentially significant or significant effects of the project required to be identified in the initial study.

(3) A draft of the sustainable communities environmental assessment shall be circulated for public comment for a period of not less than 30 days. Notice shall be provided in the same manner as required for an environmental impact report pursuant to Section 21092.

(4) Prior to acting on the sustainable communities environmental assessment, the lead agency shall consider all comments received.

(5) A sustainable communities environmental assessment may be approved by the lead agency after conducting a public hearing, reviewing the comments received, and finding that:

(A) All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed.

(B) With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:

(i) Changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance.

(ii) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(6) The legislative body of the lead agency shall conduct the public hearing or a planning commission may conduct the public hearing if local ordinances allow a direct appeal of approval of a document prepared pursuant to this division to the legislative body subject to a fee not to exceed five hundred dollars (\$500).

(7) The lead agency's decision to review and approve a transit priority project with a sustainable communities environmental assessment shall be reviewed under the substantial evidence standard.

(c) A transit priority project that satisfies the requirements of subdivision (a) may be reviewed by an environmental impact report that complies with all of the following:

(1) An initial study shall be prepared to identify all significant or potentially significant effects of the transit priority project other than those that do not need to be reviewed pursuant to Section 21159.28 based upon substantial evidence in light of the whole record. The initial study shall identify any cumulative effects that have been adequately addressed and mitigated pursuant to the requirements of this division in prior applicable certified environmental impact reports. Where the lead agency determines that a cumulative effect has been adequately addressed and mitigated, that cumulative effect shall not be treated as cumulatively considerable for the purposes of this subdivision.

(2) An environmental impact report prepared pursuant to this subdivision need only address the significant or potentially significant effects of the transit priority project on the environment identified pursuant to paragraph (1). It is not required to analyze off-site alternatives to the transit priority project. It shall otherwise comply with the requirements of this division.

*(Added by Stats. 2008, Ch. 728, Sec. 14. Effective January 1, 2009.)*



Behrouz Bozorgnia &lt;bbozorgnia@mobbil.com&gt;

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**PCIS: 18010-10000-04038 || 831 Westlake || Permit Clearances**

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**Debbie Lawrence** <debbie.lawrence@lacity.org>

To: Raman &lt;raman@ninacci.com&gt;, Behrouz Bozorgnia &lt;bbozorgnia@mobbil.com&gt;

Hello Raman and Behrouz,

The appeal has been scheduled for August 31st. Please let me know who will be speaking on the item on behalf of the applicant. Not sure if you have attended a PLUM meeting since COVID process called, Planning staff will do a brief presentation, then the Appellant will speak. The Applicant can then speak next. Please let me know if you will be speaking on behalf of the applicant and I will provide numbers of your phone number.

Please feel free to ask me any further questions.

Debbie

On Thu, Aug 12, 2021 at 5:24 PM Raman &lt;raman@ninacci.com&gt; wrote:

Hello Mr. Gubatan,

I hope all is well.

Behrouz has sent this email last week and we did not hear back from you.

We tried calling you today but were told that you are working remotely and that the best way to reach you would be by email, which we have sent.

Kindly advise at your earliest ability if you have expedited our hearing date, as our project is facing financial hardship due to the mishandling.

Sincerely,

Raman Nourizad

Owner

Westlake Apartments, LP

213-624-4400 Ext. 222 (Direct)

310-702-2700 - Mobile

213-226-0206 (Direct E-Fax)

[Raman@Ninacci.com](mailto:Raman@Ninacci.com)[www.ninacci.com](http://www.ninacci.com)

---

**From:** Behrouz Bozorgnia <bbozorgnia@mobbil.com>**Sent:** Friday, August 6, 2021 6:12 PM**To:** Debbie Lawrence <debbie.lawrence@lacity.org>**Cc:** Gerald Gubatan <gerald.gubatan@lacity.org>; Raman <raman@ninacci.com>**Subject:** Re: PCIS: 18010-10000-04038 || 831 Westlake || Permit Clearances

Hello Mr. Gerald Gubatan,

I hope all is well with you, please note that 18 months has passed since we have received the determination letter and from the last day to appeal, and we are just informed that there is an appeal.

Please do what is in your power to expedite scheduling the hearing date so the project can go forward and prevent further delays/costs to the owners.

Thank you and regards,

On Tue, Aug 3, 2021 at 4:29 PM Debbie Lawrence &lt;debbie.lawrence@lacity.org&gt; wrote:



Hello Raman,

I am working with the Council Office District 1 to get this scheduled for the Appeal hearing. As I mentioned in my prior email, the appeal was filed timely, on March 10, 2020. The 2019 was a typo. The appeal was filed during the time that the City was getting ready to change over to a virtual setting due to COVID 19. In mid-March, many City departments began virtual operations with employees working at home. It is unfortunate that this Appeal did not get scheduled at that time. However, we have transmitted it --- I am working with Gerald Gubatan of Council District 1 to get it scheduled. Management committee to get it scheduled. I will forward you the appeal and the justification submitted.

Regards,

Debbie

On Fri, Jul 30, 2021 at 5:41 PM Raman <[raman@ninacci.com](mailto:raman@ninacci.com)> wrote:

Hello Debbie,

I have some questions and concerns.

Please bear in mind that I am currently paying interest on a secured loan for this project, which is nearly RTI. Furthermore, there is an opportunity cost of monthly revenue for this project and the determination letter states that the Last Day to File an Appeal is March 5, 2019, not 2020. Please explain the discrepancy.

Please send us a copy of the appeal and the justification submittal.

Why are we just informed of the appeal just now in July 2021?

Have you contacted the City Council Office for the hearing time yet? What is their office contact information?

Who is responsible for scheduling the hearing?

How do you plan to expedite the schedule of our hearing and make up for our lost time, interest and revenue?

Raman Nourizad

---

**From:** Behrouz Bozorgnia <[bbozorgnia@mobbil.com](mailto:bbozorgnia@mobbil.com)>  
**Sent:** Wednesday, July 28, 2021 1:57 PM  
**To:** Debbie Lawrence <[debbie.lawrence@lacity.org](mailto:debbie.lawrence@lacity.org)>  
**Cc:** Nuri Cho <[nuri.cho@lacity.org](mailto:nuri.cho@lacity.org)>; Marie Pichay <[marie.pichay@lacity.org](mailto:marie.pichay@lacity.org)>; Jane Choi <[jane.choi@lacity.org](mailto:jane.choi@lacity.org)>; Raman <[raman@ninacci.com](mailto:raman@ninacci.com)>  
**Subject:** Re: PCIS: 18010-10000-04038 || 831 Westlake || Permit Clearances

Good afternoon Debbie,

Thank you for your email and the information provided. I have included the owner of this development, Mr. Raman Nourizad in this email chain as he may have further concerns regarding this

Regards,

On Tue, Jul 27, 2021 at 2:42 PM Debbie Lawrence <[debbie.lawrence@lacity.org](mailto:debbie.lawrence@lacity.org)> wrote:

Hello Behrouz,

I do understand that this has created delays for you. It is unfortunate that the Appeal was misplaced and did not get scheduled. The Appeal was filed timely, in that an aggrieved party has filed a CEQA appeal. Since the Director's Determination was final on March 5, 2020, the last day to appeal the CEQA would be March 20th. The CEQA appeal was filed on March 10th. As we are getting ready to change over to a virtual setting due to COVID 19. In mid-March, many City departments began virtual operations with employees working at home, and public hearings were held. This Appeal did not get scheduled at that time. However, we are transmitting it now and will get it scheduled as quickly as possible when City Council returns from recess. We will let you know questions. CEQA Appeal procedures can be found in Section 11.5.13 of the Los Angeles Municipal Code.

Regards,

Debbie

----- Forwarded message -----

From: **Behrouz Bozorgnia** <bbozorgnia@mobbil.com>

Date: Mon, Jul 26, 2021 at 5:07 PM

Subject: Re: PCIS: 18010-10000-04038 || 831 Westlake || Permit Clearances

To: Nuri Cho <nuri.cho@lacity.org>

Cc: Marie Pichay <marie.pichay@lacity.org>, Christina Ditchman <cditchman@mobbil.com>, Diana Kadhim <dkadhim@mobbil.com>, Sagar Reddy <sreddy@mobbil.com>, Ray Nouri <ra

Hello Nuri and Marie,

Thank you for your email, and I'm sure you're working hard to resolve this matter. The owners are very much concerned about this issue and the time delay that this would introduce to the

1. The determination letter attached states the Last Day to File an Appeal is **March 5, 2019**, please send us the date of this appeal.
2. The letter clearly states that: Determined based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section, 15332, and categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
3. This project was submitted in August 2018, and we are informed about an appeal in July 2021, what is the standard timeline to appeal a project?
4. Who would be responsible if this appeal would cause additional time and cost to the project?

Thanks,

On Thu, Jul 22, 2021 at 11:59 AM Nuri Cho <nuri.cho@lacity.org> wrote:

Hi Behrouz,

You are correct in that a letter of determination with a categorical exemption was issued for the project. However, an aggrieved party filed an appeal of that decision, and we now need to determine if the exemption is not final until the Council acts on the appeal.

Please note that all time-to-act deadlines in the LAMC, including the time-to-act for CEQA appeals, have been tolled per the Mayor's tolling order due to COVID, and it has been difficult to manage these issues.

We are currently working diligently on transmitting the appeal documents to the City Clerk's Office so that they can create a Council File number for this project and schedule an appeal to the (PLUM) Committee. However, it is up to the Council Office and City Clerk's Office to coordinate a hearing date. I suggest that you reach out to the Council Office to have this project added to a Council File as soon as it is created.

Please know that Marie and I are trying to get this project heard expeditiously. If you have any questions, please send them to both Marie and me. Thank you.

On Thu, Jul 22, 2021 at 11:41 AM Behrouz Bozorgnia <bbozorgnia@mobbil.com> wrote:

Hello Marie,

How long would the appeal take potentially? how much delay would this cause to our project? Who is responsible for the delay and the fact that we already had received approval on the project?

Thanks,

On Thu, Jul 22, 2021 at 11:18 AM Marie Pichay <marie.pichay@lacity.org> wrote:

Hello Behrouz,

I'm confirming that there is a stay on all permits, meaning that no permits can be issued until the CEQA Appeal is resolved. Additionally, though Hakeem did work on your original categorical exemption, it is assigned to your CEQA appeal moving forward. You can expect to receive additional information soon regarding a hearing and next steps.

Best,

Marie

On Wed, Jul 21, 2021 at 2:57 PM Behrouz Bozorgnia <bbozorgnia@mobbil.com> wrote:

Hello Mr. Hakeem,

I hope all is well with you. We are at the final stages of obtaining the RTI for our project and were just informed by Maxfield that an appeal has been filed against the CEQA categorical exemption (attached), the plan checker has approved the design, and the owners have prepared the funding to start construction of this 79-unit apartment building.

The owner (Mr. Raman Nouri) is also copied on this email and has stated that he can not tolerate any more delays on this development as the opportunity cost of this delay will be significant.

remove the final clearances from City planning and if this appeal will delay our RTI any further.

Respectfully,

On Tue, Jul 20, 2021 at 5:45 PM Behrouz Bozorgnia <[bbozorgnia@mobbil.com](mailto:bbozorgnia@mobbil.com)> wrote:

Marie,

Thank you for your email. Please note that our project is approved with the plan checker and we are pushing the final RTI clearances, would this delay the process of the RTI

Thanks,

On Tue, Jul 20, 2021 at 5:37 PM Marie Pichay <[marie.pichay@lacity.org](mailto:marie.pichay@lacity.org)> wrote:

Hello Behrouz,

You are correct, an appeal has been filed against the CEQA clearance for this project. As you may know, I was newly assigned to Westlake/ Central City West late last year. I will provide more information shortly with additional details.

Best,

Marie

On Tue, Jul 20, 2021 at 4:36 PM Behrouz Bozorgnia <[bbozorgnia@mobbil.com](mailto:bbozorgnia@mobbil.com)> wrote:

Hello Maxfield and Marie,

Please note that we have an approved notice of exemption on the CEQA for this project, please see attached and advise.

Thanks,

On Mon, Jul 19, 2021 at 9:04 AM Maxfield Vermey <[maxfield.vermy@lacity.org](mailto:maxfield.vermy@lacity.org)> wrote:

Morning Behrouz,

I don't have any information on the appeal. Please reach out to Marie Pichay at [marie.pichay@lacity.org](mailto:marie.pichay@lacity.org) in Project Planning as they will be working on the appeal.



**Maxfield Vermey**

Preferred Pronouns: He, His, Him

Planning Assistant  
Los Angeles City Planning

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

[Planning4LA.org](http://Planning4LA.org)

T: (213) 482-7340



On Fri, Jul 16, 2021 at 4:29 PM Behrouz Bozorgnia <[bbozorgnia@mobbil.com](mailto:bbozorgnia@mobbil.com)> wrote:

Hello Maxfield,

We are not aware of the CEQA appeal on this project, we were told that the project is approved by city planning, please advise.

Thanks,

On Fri, Jul 16, 2021 at 3:33 PM Maxfield Vermey <maxfield.vermy@lacity.org> wrote:

Afternoon Christina,

That is a strange request from DAS. Can you have your DAS plan checker reach out to me to clarify? I will not be clearing any clearances in the system until I st

I also have to hold off any sign offs until the CEQA appeal on this case is complete.



Maxfield Vermey

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On Fri, Jul 16, 2021 at 1:48 PM Christina Ditchman <cditchman@mobbil.com> wrote:

Good Afternoon Maxfield,

We are wrapping up this project and would like to know if it's possible for you to clear the City Planning landscape, open space, and miscellaneous items in th

We have been notified by DAS that that will only stamp our plans once these items are cleared.

After we obtain the stamps from all departments, we will drop off a final set to you to stamp as well.

Thank You,

**MOBBIL**

Christina Ditchman, Project Coordinator

Office: 310 909 6235 | Cell: 310 363 3618

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attachments or unintentionally transmitted material (including viruses) sent by this email.

On Tue, May 25, 2021 at 9:29 AM Maxfield Vermey <maxfield.vermy@lacity.org> wrote:

Morning Christina,

Thanks for forwarding the housing covenant. The only outstanding item now is for me to stamp your final permit sets, remember I will need to keep a full siz



Maxfield Vermey

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Los Angeles City Planning

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On Tue, May 25, 2021 at 9:07 AM Christina Ditchman <[cditchman@mobbil.com](mailto:cditchman@mobbil.com)> wrote:

Good Morning Maxfield,

Please see a copy of the recorded housing covenant and table of rental units for your reference.

Do you need any additional item to clear the city planning clearances or is that it?

Thank You,

**MOBBIL**

Christina Ditchman, Project Coordinator  
Office: 310 909 6235 | Cell: 310 363 3618

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On Tue, Apr 20, 2021 at 7:33 PM Christina Ditchman <[cditchman@mobbil.com](mailto:cditchman@mobbil.com)> wrote:

Good Afternoon,

Just FYI, the invoice has been paid.

Thank You,

**MOBBIL**

Christina Ditchman, Project Coordinator  
Office: 310 909 6235 | Cell: 310 363 3618

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On Tue, Apr 20, 2021 at 12:58 PM Christina Ditchman <[cditchman@mobbil.com](mailto:cditchman@mobbil.com)> wrote:

Good Afternoon Maxfield,

Great. Thank you. I have forwarded the invoice to the client.

I will let you know when payment has been made.

Thank You,

**MOBBIL**

Christina Ditchman, Project Coordinator  
Office: 310 909 6235 | Cell: 310 363 3618

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On Tue, Apr 20, 2021 at 12:24 PM Maxfield Vermey <[maxfield.vermey@lacity.org](mailto:maxfield.vermey@lacity.org)> wrote:

Afternoon Christina,

Based on my April 12th email with Sagar we've cleared through my last comments. Now we are just waiting on the housing covenant and for me clearance invoice yet, so I'll make that right now and have it emailed to you.



Maxfield Vermey

Preferred Pronouns: He, His, Him

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On Fri, Apr 16, 2021 at 2:25 PM Christina Ditchman <[cditchman@mobbil.com](mailto:cditchman@mobbil.com)> wrote:

Good Afternoon Maxfield,

Please see the attached recorded covenant for your review.

As for the housing covenant, it is with the city. We are working on their corrections.

We will advise as soon as we hear more from them.

Would it be possible to give me an updated list of corrections?

Thank You,

MOBBIL

Christina Ditchman, Project Coordinator  
Office: 310 909 6235 | Cell: 310 363 3618

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On Fri, Apr 9, 2021 at 9:22 AM Maxfield Vermey <[maxfield.vermey@lacity.org](mailto:maxfield.vermey@lacity.org)> wrote:

Morning Sagar,

The landscaping clearances will be cleared when I stamp the drawings for approval.

However, I've taken a look at your corrected landscaping drawings, my other comments are cleared but the transformer in the front yard ne



Maxfield Vermey

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On Thu, Apr 8, 2021 at 10:35 PM Sagar Reddy <sreddy@mobbil.com> wrote:

Hello Mr. Maxfield Vermey,

Thank you for your quick response. We would like to get as many clearances taken off the clearance sheet as possible, for that reason, I am reviewing the attached Landscape Plans.

Also, in response to your list of corrections,

1. For condition #11 I need to see more details regarding the mechanical equipment screening on the roof. You will add a detail showing Exterior and Interior have been accepted by you and shown and noted on plans attached below)
2. I do not see compliance with condition #13, please show or add to landscape drawings see the link to ordinance for the guideline "O" compliance is shown)
3. Landscaping sheet LP-1 there are 19 trees on level 1 not 20 (Corrected Landscape plans have been attached)
4. Please add the landscape sqft for the front yard spaces to the drawings (Corrected Landscape plans have been attached)
5. Your other department sign offs need to be completed prior to City Planning sign off. We're the last step before you are ready for the City Planning sign off.
6. What is the status of the Master Covenant & Agreement for the conditions of approval under DIR-2019-2893-TOC? It seems to be in the county recorder's office?
7. Provide a status update on the covenant & agreement with HCIDLA. This covenant is required for conditions #3, 5, and 6.
8. The clearance invoice will need to be paid prior to signing off on the drawings. The fee is approximately \$1,500.

Please let us know if you have any questions or you need any additional information us in order to take off the clearances and to show completion.

Thank you,

## MOBBIL

Sagar Reddy, PM

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On Thu, Apr 8, 2021 at 9:14 PM Maxfield Vermey <maxfield.vermey@lacity.org> wrote:

Morning Sagar,

Yes a wall like you described is ok, as long as there is something between the HVAC and open space areas.



**Maxfield Vermey**

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**Debbie Lawrence, AICP**

Preferred Pronouns: She, Her, Hers

Senior City Planner, Central Project Planning

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Behrouz Bozorgnia, P.E.  
MOBBIL INC. CEO  
310.562.6427



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## Communication from Public

**Name:** Sheri Bonstelle  
**Date Submitted:** 08/27/2021 08:01 AM  
**Council File No:** 21-0834  
**Comments for Public Posting:** Attached are Exhibits E thru G and I to the Letter in the prior comment.

831 S Westlake Ave



EXHIBIT E

Permit #:

18019 - 10000 - 03343

Plan Check #: B18LA13948

Printed: 11/16/20 06:20 AM

Event Code:

Bldg-Demolition

City of Los Angeles - Department of Building and Safety

Issued on: 11/13/2020

Apartment

### APPLICATION FOR INSPECTION TO

Last Status: Issued

Plan Check at Counter

### DEMOLISH BUILDING OR STRUCTURE

Status Date: 11/13/2020

1. TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
BONNIE BRAE TRACT	H	17	2	M R 9-85	130-5A203 28	5141 - 020 - 012
BONNIE BRAE TRACT	H	18		M R 9-85	130-5A203 31	5141 - 020 - 012

#### 3. PARCEL INFORMATION

Area Planning Commission - Central

Census Tract - 2094.02

Thomas Brothers Map Grid - 634-C4

LADBS Branch Office - LA

District Map - 130-5A203

Council District - 1

Energy Zone - 9

Certified Neighborhood Council - Westlake South

Near Source Zone Distance - .2

Community Plan Area - Westlake

Thomas Brothers Map Grid - 634-C3

ZONES(S): R4-1

#### 4. DOCUMENTS

ZI - ZI-2275 Westlake Recovery Redeve ORD - ORD-165280-SA770

CDBG - SEZ-LOS ANGELES STATE E

ZI - ZI-2374 LOS ANGELES STATE E CRA - ZI 2275 WESTLAKE RCVRY

ZI - ZI-2452 Transit Priority Area in the CPC - CPC-1986-834-GPC

RENT - YES

CDBG - LARZ-Central City

#### 5. CHECKLIST ITEMS

Sewer Cap - Permit Required

#### 6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s):

WESTLAKE APARTMENTS LP

550 HILL ST STE 1101

LOS ANGELES CA 90013

Tenant:

Applicant: (Relationship: Other)

BEHROUZ BOZORGNIA -

10880 WILSHIRE BLVD. STE 1101

LOS ANGELES, CA 90024

(310) 909-6235

#### 7. EXISTING USE

(05) Apartment

#### PROPOSED USE

(23) Demolition

#### 8. DESCRIPTION OF WORK

Demolish (E) apartment building to clear lot. Sewer Cap and Pedestrian Protection fence are required. "Comply with Department Order effective date 07/18/2019. If additional assistance is needed please call Senior Inspector MICHAEL SCHULZINGER at (213)252-3962. CEIS Case Number is 869271.

#### 9. # Bldgs on Site & Use:

#### 10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Dean Lee

DAS PC By:

OK for Cashier: Christopher Komanchek

Coord. OK:

Signature:

Date:

11/13/2020

For inspection requests, call toll-free (888) LA4BUILD (524-2845), or request inspections via [www.ladbs.org](http://www.ladbs.org). To speak to a Call Center agent, call 311. Outside LA County, call (213) 473-3231.

For Cashier's Use Only

W/O #: 81903343

#### 11. PROJECT VALUATION & FEE INFORMATION Final Fee Period

Permit Valuation: \$30,000

PC Valuation:

FINAL TOTAL Bldg-Demolition	443.25
Permit Fee Subtotal Bldg-Demoliti	350.00
Plan Check Subtotal Bldg-Demolit	0.00
E.Q. Instrumentation	3.90
D.S.C. Surcharge	10.62
Sys. Surcharge	21.23
Planning Surcharge	21.00
Planning Surcharge Misc Fee	10.00
Planning Gen Plan Maint Surchar	24.50
CA Bldg Std Commission Surchar	2.00
Permit Issuing Fee	0.00

Sewer Cap ID:

Total Bond(s) Due:

#### 12. ATTACHMENTS

CEQA Bldg Demolition Notice Plot Plan  
Demo Affirmation Posting

SIGNED DECLARATION



Payment Date: 11/13/20

Receipt No: 878068

Amount: \$443.25

Method: ECHECK

2020ON 21079

**13. STRUCTURE INVENTORY** (Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value")**18019 - 10000 - 03343**

(P) Floor Area (ZC): -5049 Sqft / 0 Sqft  
(P) Dwelling Unit: -9 Units / 0 Units  
(P) R2 Occ. Group: -5049 Sqft / 0 Sqft  
(P) Type V-B Construction

**14. APPLICATION COMMENTS:**

-DPI UNDER PERMIT #18019-100000-02229, NOTICES MAILED ON 05/15/2018.

In the event that any box (i.e. 1-16) is filled to capacity, it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless the information printed exceeds that required by section 19825 of the Health and Safety Code of the State of California.

**15. BUILDING RELOCATED FROM:****16. CONTRACTOR, ARCHITECT & ENGINEER NAME**

(C) J L CONTRACTORS INC

**ADDRESS**

292 GRANADA AVENUE,

LONG BEACH, CA 90803

**CLASS**

A

**LICENSE #**

983840

**PHONE #**

**PERMIT EXPIRATION/REFUNDS:** This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 98.0602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inspection within 60 days of receiving a request for final inspection (HS 17951).

**17. LICENSED CONTRACTOR'S DECLARATION**

I hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect. The following applies to B contractors only: I understand the limitations of Section 7057 of the Business and Professional Code related to my ability to take prime contracts or subcontracts involving specialty trades.

License Class: A License No.: 983840 Contractor: J L CONTRACTORS INC

**18. WORKERS' COMPENSATION DECLARATION**

I hereby affirm, under penalty of perjury, one of the following declarations

☐ I have and will maintain a certificate of consent to self insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☐ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: STATE COMP. INS. FUND Policy Number: 9232856

☐ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

**WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES**

**19. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING**

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMD or EPA as per section 19827.5 of the Health and Safety Code. Information is available at (909) 396-2336 and the notification form at [www.aqmd.gov](http://www.aqmd.gov). Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6716 and 6717 of the Labor Code. Information is available at Health Services for LA County at (800) 524-5323 or the State of California at (800) 597-5323 or [www.dhs.ca.gov/childlead](http://www.dhs.ca.gov/childlead).

**20. CONSTRUCTION LENDING AGENCY DECLARATION**

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civil Code).

Lender's Name (If Any): \_\_\_\_\_ Lender's Address: \_\_\_\_\_

**21. FINAL DECLARATION**

I certify that I have read this application **INCLUDING THE ABOVE DECLARATIONS** and state that the above information **INCLUDING THE ABOVE DECLARATIONS** is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0106.4.3.4 LAMC).

**By signing below, I certify that:**

(1) I accept all the declarations above namely the Licensed Contractor's Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration/ Lead Hazard Warning, Construction Lending Agency Declaration, and Final Declaration; and

(2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: \_\_\_\_\_ Sign: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ Contractor ☐ Authorized Agent



Job Address: 831 Westlake Ave Application #: 18019-10000-03343

City of Los Angeles – Department of Building and Safety  
Signature Declaration Attachment Form

Instructions

**Applicant (contractor, owner, or agent):** Complete and sign the appropriate statements below only after completely reviewing the entire permit application for accuracy. Also, indicate the job address on the top of the form. This attachment will become part of the permit application.  
**Building and Safety Staff Member:** Complete the "APPLICATION#:" and make sure the job address is shown above. Give a copy of the permit application to the applicant.

**"Signature Declaration"**

**PERMIT EXPIRATION/REFUNDS:** This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 98.0602 LAM C). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inspection within 60 days of receiving a request for final inspection (HS 17951).

**17. LICENSED CONTRACTOR'S DECLARATION**

I hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect. The following applies to B contractors only: I understand the limitations of Section 7057 of the Business and Professional Code related to my ability to take prime contracts or subcontracts involving specialty trades.

License Class: A License No.: 983840 Contractor: JL Contractors

**18. WORKERS' COMPENSATION DECLARATION**

I hereby affirm, under penalty of perjury, one of the following declarations:

- ☐ I have and will maintain a certificate of consent to self insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- ☒ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: STATE FUND Policy Number: 9232856-2020

- ☐ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

**WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.**

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Lender's Name (If Any): \_\_\_\_\_ Lender's Address: \_\_\_\_\_

**21. FINAL DECLARATION**

I certify that I have read this application INCLUDING THE ABOVE DECLARATIONS and state that the above information INCLUDING THE ABOVE DECLARATIONS is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0106.4.3.4 LAMC).

By signing below, I certify that:

- (1) I accept all the declarations above namely the Licensed Contractor's Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration / Lead Hazard Warning, Construction Lending Agency Declaration, and Final Declaration; and
- (2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: John Fender Sign: [Signature] Date: 11/11/20 ☐ Owner ☒ Contractor ( ) Authorized Agent



Bldg-Demolition  
Apartment  
Plan Check

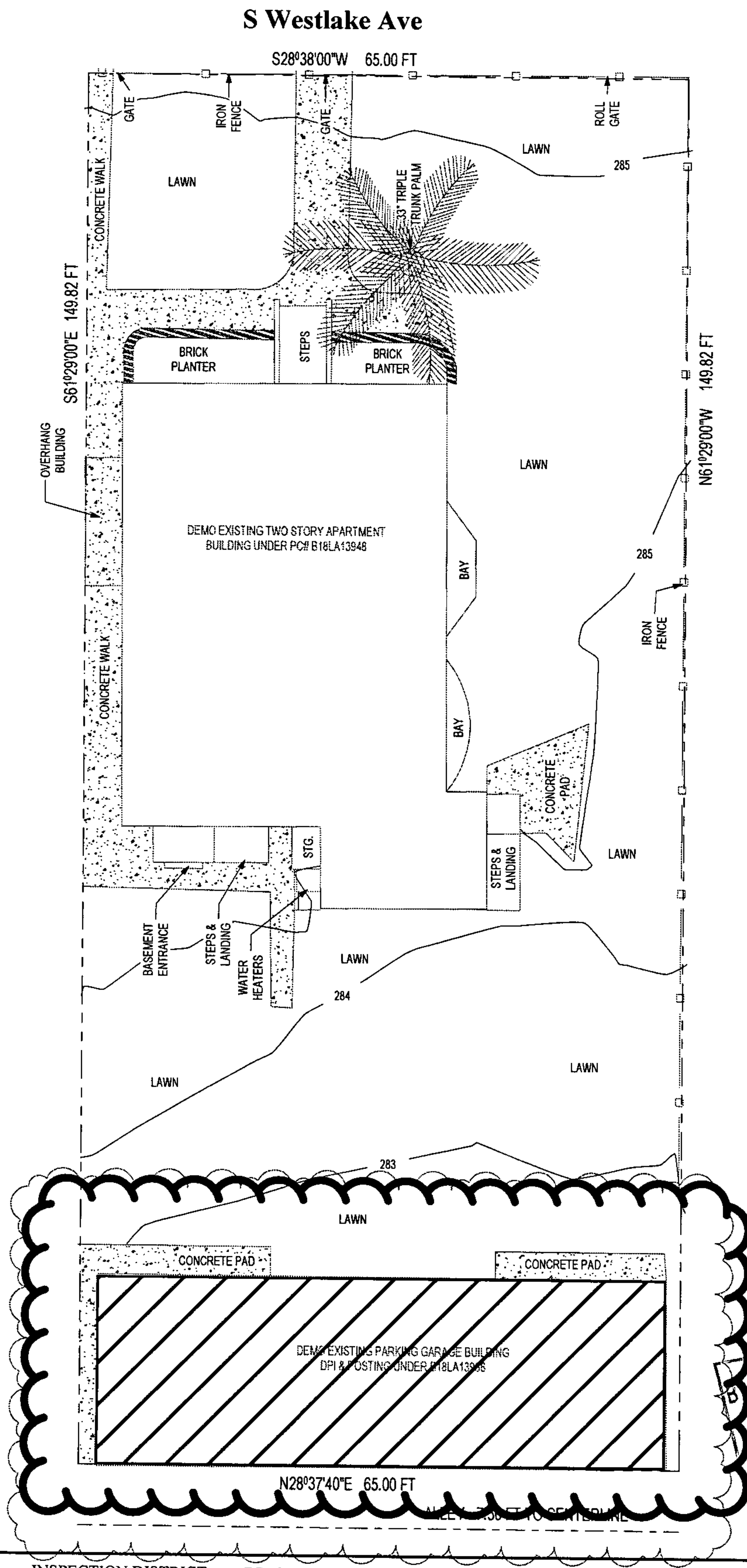
City of Los Angeles - Department of Building and Safety

Plan Check #: B18LA13948  
Initiating Office: METRO  
Printed on: 10/20/20 12:16:48

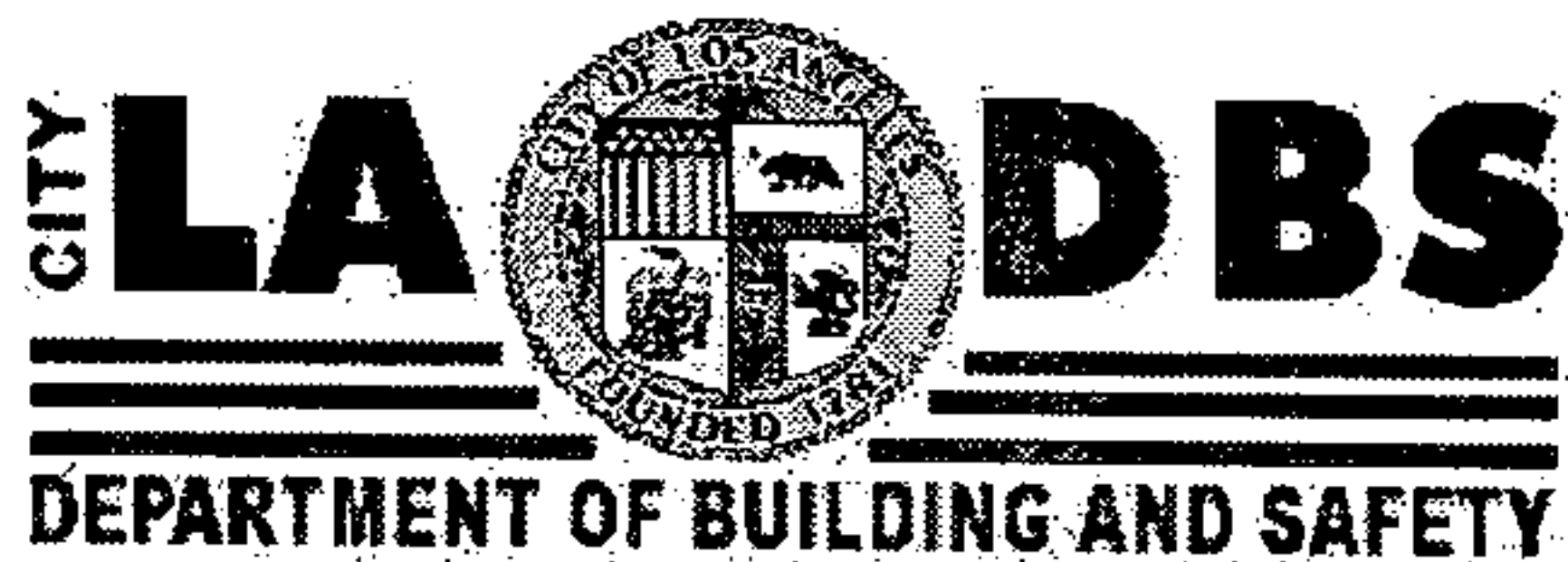
PLOT PLAN ATTACHMENT

106112020103894

(DO NOT DRAW, WRITE, OR PASTE ATTACHMENTS OUTSIDE BORDER)



READY TO ISSUE  
CHRISTOPHER K. MANCHEK  
NOV 13 2029  
Signature



# AFFIRMATION OF POSTING FOR DEMOLITION OF EXISTING BUILDINGS OR STRUCTURES

LAMC Section 91.106.4.5.1

Project Address: 831 S Westlake Ave Demolition Permit #: 18019-10000-03343

## Affirmation of Posting

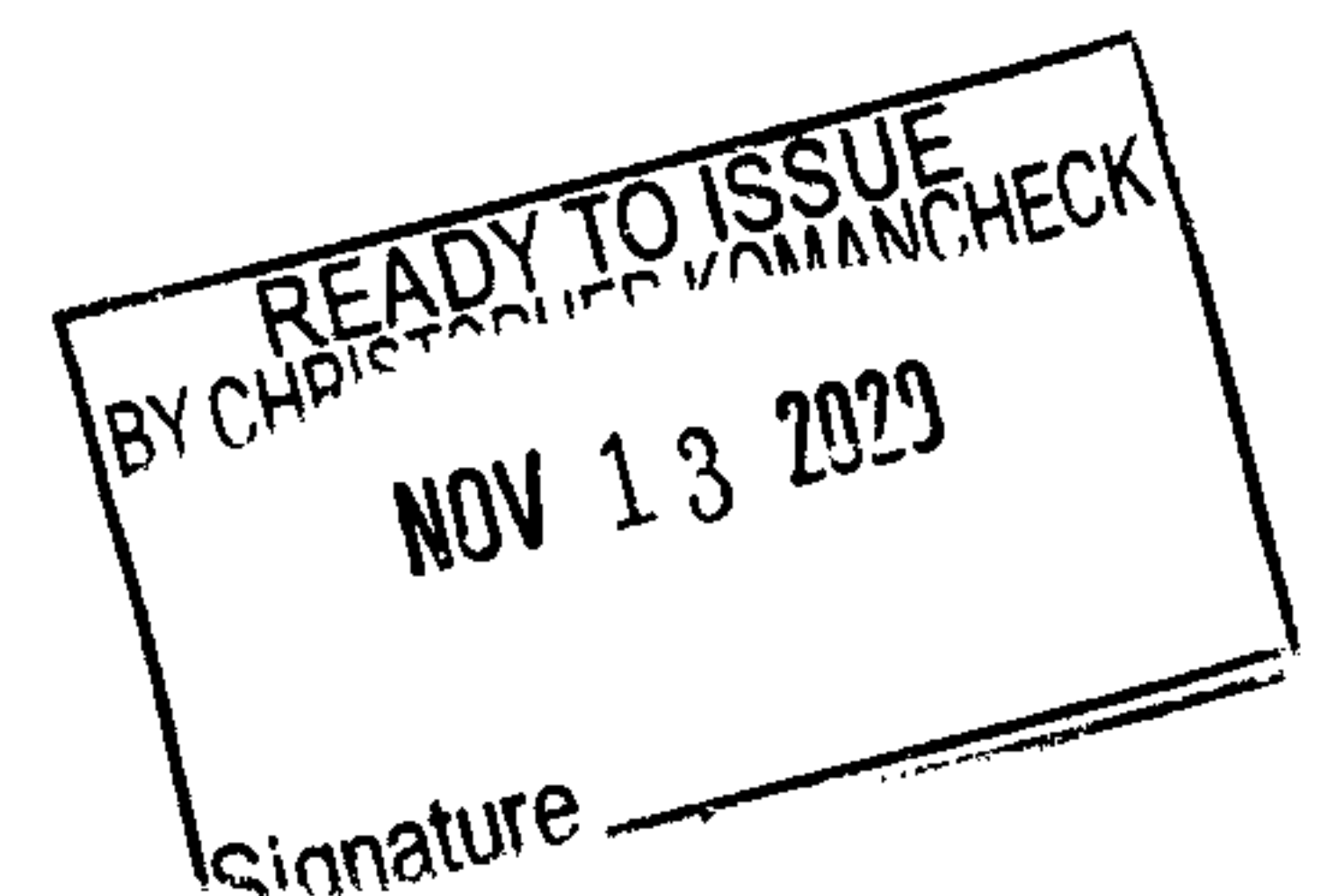
The Los Angeles Municipal Code(LAMC) Section 91.106.4.5.1 requires posting of a notice prior to the issuance of a permit for demolition of an existing building or structure for which the original building permit was issued more than 45 years prior to the date of submittal of the application for demolition preinspection, or where information submitted with the application indicates that the building or structure is more than 45 years old based on the date the application is submitted, the property shall be posted in a conspicuous place near the entrance of the property where demolition will occur, with a public notice of the application for demolition preinspection.

I hereby affirm that the property located at 831 S Westlake Ave was posted on 5/9/2018 (mm/dd/yyyy) in accordance with LAMC 91.106.4.5.1 at least 30 days prior to the issuance of this permit for demolition of the existing building(s) or structure(s).

Print Name: BEHROUZ BOZDAGNIA

Signature: [Signature] Date: 11-8-20

Please check one: ☐ Owner, ☐ Contractor, ☐ Authorized Agent for owner/contractor



### FOR DEPARTMENT USE ONLY

DPI Application #: 18019-10000-02229 Date notification letters mailed: 05/15/2018.

Note: Verify notification and posting were completed at least 30 days prior to demolition permit issuance.

Reviewed by (print name): Topher Komanchek Signature: [Signature]

10611202020103894





City of Los Angeles - Department of Building and Safety  
**Attachment to Application for Demolition Permit:  
 Notice and Owner's Declaration Related to CEQA  
 and Project Scope**

**I. Notice to Owner**

*If you are applying for a demolition permit to facilitate the construction or development of the project site, you may be referred to the Planning Department for further assistance.*

The California Environmental Quality Act (CEQA) directs public agencies to assess and disclose the environmental effects of the projects it approves. In determining whether a proposed project is subject to CEQA, the City is required to consider all of the parts and phases of the project and may not limit its review to the specific permits or approvals sought. (Public Resources Code Section 21065) Failure by a project applicant to disclose future construction or development activities on the project site may result in a violation of CEQA. If the City determines that an application or approval is part of a larger undisclosed project, the City may revoke and/or stay any approvals until a full and complete CEQA analysis of the whole project is reviewed and an appropriate CEQA clearance is adopted or certified.

*Please contact the Planning Department if you have additional questions after reviewing this notice.*

**II. Owner's Project Information**

Based upon the above-stated rule, is the proposed demolition part of a larger development project at the demolition site, and if so, will the larger project require any discretionary approvals from the City? (Select "Yes" or "No," and follow the related instructions)

Yes ☐ A CEQA clearance from the Planning Department will be required prior to the issuance of the demolition permit for the proposed project. Return this form to a Department of Building and Safety Plan Check Engineer at the time of plan check.

No ☒ Sign and notarize the signature at the bottom of the form and return the notarized form to a Department of Building and Safety Plan Check Engineer at the time of plan check.

**III. Owner's Declaration**

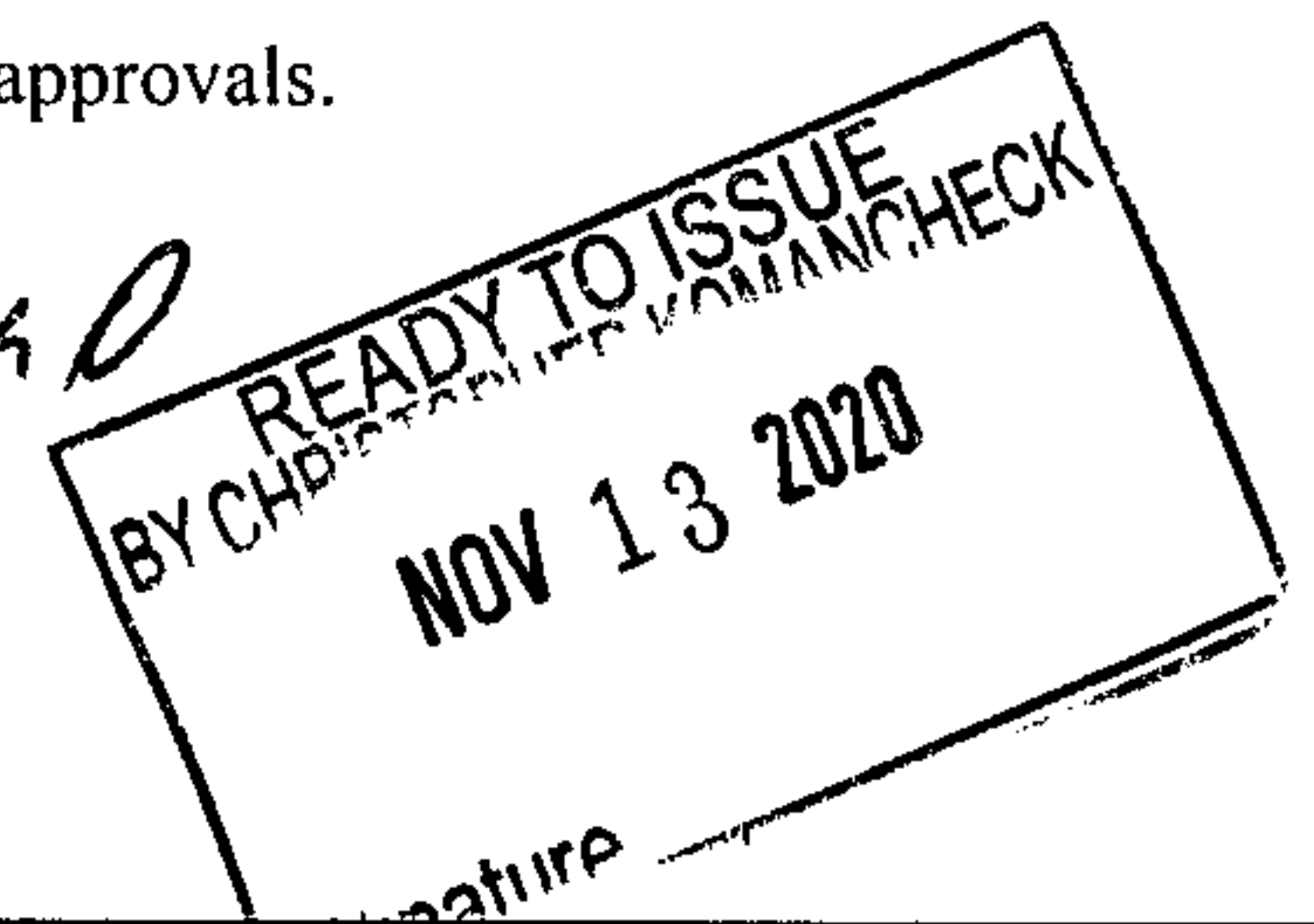
I own the property located at 831 S. Westlake Ave. I have read the above "Notice to Owner." I understand that a "project," as defined by CEQA, is the whole of the proposed activity and is not limited to the demolition subject to this application. I further understand that CEQA prohibits treatment of each separate approval as a separate project for purposes of evaluating environmental impacts. I acknowledge and understand that should the City determine that the demolition proposed is part of a larger project requiring any discretionary permits, the City may revoke and/or stay any approvals (including certificates of occupancy) until a full and complete CEQA analysis is prepared and clearance is adopted or certified.

I certify that (i) the demolition authorized by this permit is not to facilitate the construction or development of a larger project at the project site, or (ii) the demolition is part of a larger project and, after using all reasonable efforts, including consulting with the City Planning Department, I have determined there are no discretionary permits required for the project, including but not limited to haul route permits, permits to remove protected trees, historic resource review, or any discretionary zoning or map approvals.

Date 11-5-2020 Name of the Owner (Print) Raman Nourizad

Signature [Signature]

(See page 2 of 2 For Notary Acknowledgment)







City of Los Angeles - Department of Building and Safety  
**Attachment to Application for Demolition Permit:**  
**Notice and Owner's Declaration Related to CEQA**  
**and Project Scope**

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
 County of Los Angeles

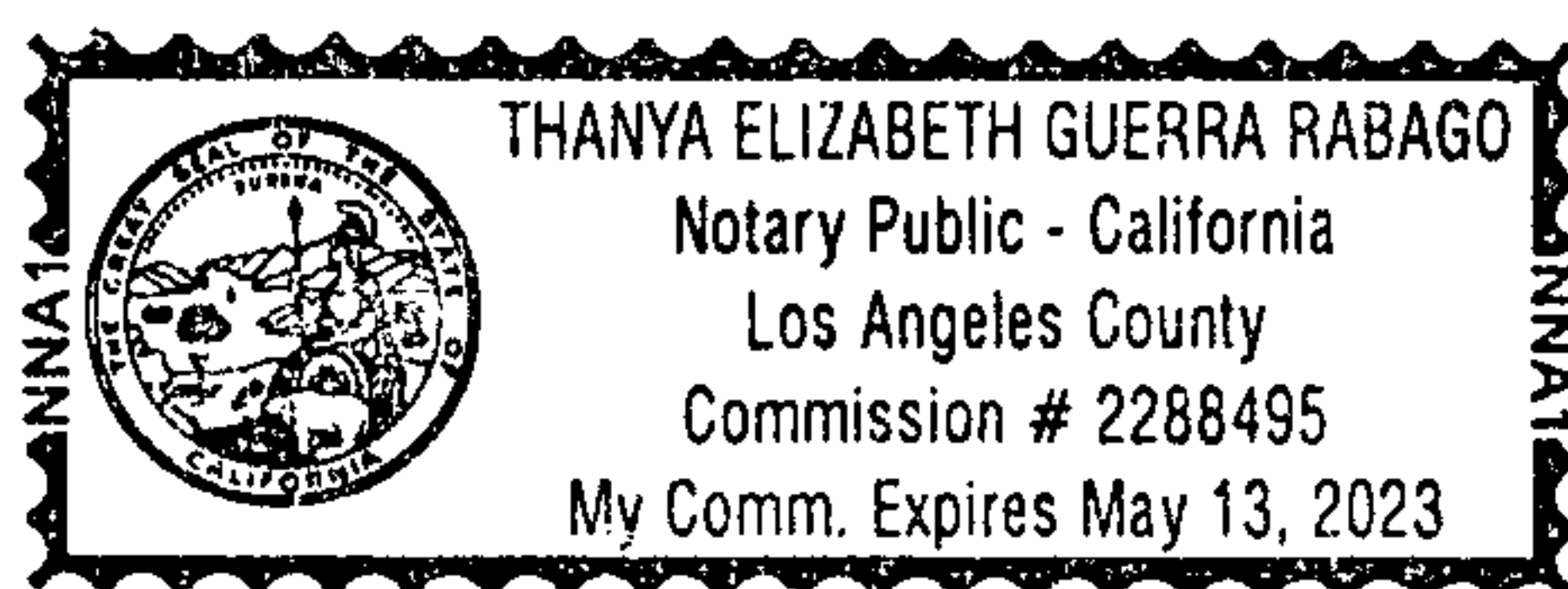
On November 5, 2020 before me, Thanya Elizabeth Guerra Rabago Notary Public  
 (insert name and title of the officer)

personally appeared Raman Nourizad  
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)



# Los Angeles Department of Building and Safety

## Certificate Information: 831 S WESTLAKE AVE 90057

Application / Permit	18010-10000-04038
Plan Check / Job No.	B18LA17222
Group	Building
Type	Bldg-New
Sub-Type	Apartment
Primary Use	(5) Apartment
Work Description	NEW 7 STORY with a Total of 79 UNIT APARTMENT BUILDING with 6-units Very Low Income and 6-units Extermely Low Income. FIRST 2 LEVELS Type I-A for Parking Podium AND 5 LEVELS Type III-A for Residential. TOC and AFFORDABLE HOUSING project per DIR-2019-2893-TOC. (builidng is per 2020LABC) "Comply with Department Order effective date 01/03/2020.
Permit Issued	No
Current Status	Verifications in Progress on 5/11/2021

### Permit Application Status History

Submitted	8/16/2018	APPLICANT
Assigned to Plan Check Engineer	9/6/2018	WING SUEN
Corrections Issued	10/11/2018	WING SUEN
Reviewed by Supervisor	10/12/2018	CHARLES CHANG
Building Plans Picked Up	10/17/2018	APPLICANT
Applicant returned to address corrections	11/14/2018	WING SUEN
Applicant returned to address corrections	7/1/2020	WING SUEN
Applicant returned to address corrections	7/7/2020	WING SUEN
Applicant returned to address corrections	7/13/2020	WING SUEN
Applicant returned to address corrections	7/14/2020	WING SUEN
Applicant returned to address corrections	7/23/2020	WING SUEN
Applicant returned to address corrections	7/28/2020	WING SUEN
Applicant returned to address corrections	7/30/2020	WING SUEN
Applicant returned to address corrections	8/10/2020	WING SUEN
Applicant returned to address corrections	8/26/2020	WING SUEN
Applicant returned to address corrections	9/9/2020	WING SUEN
Applicant returned to address corrections	9/15/2020	WING SUEN
Applicant returned to address corrections	9/23/2020	WING SUEN
Applicant returned to address corrections	11/24/2020	WING SUEN
Applicant returned to address corrections	2/17/2021	LARRY LEE
Applicant returned to address corrections	3/15/2021	LARRY LEE
Applicant returned to address corrections	5/11/2021	LARRY LEE

### Permit Application Clearance Information

DAS Clearance	Not Cleared	9/23/2018	Department of Building and Safety
Frnt yard landscape/Water mgmt	Not Cleared	9/23/2018	City Planning Department
Opn space landscape/Water mgmt	Not Cleared	9/23/2018	City Planning Department
Work Adjacent to Public Way	Not Cleared	9/23/2018	Bureau of Engineering
Fire Marshall Fire Life Safety	Not Cleared	10/10/2018	Los Angeles Fire Department
Eng Process Fee Ord 176,300	Cleared	11/7/2018	NAZILA NOORIFAR

Miscellaneous	Cleared	11/14/2018	MOTOUMI SASAKI
Site Plan review	Cleared	11/14/2018	MOTOUMI SASAKI
Highway dedication	Cleared	11/30/2018	JEANETTE VONG
Project located in CRA area	Cleared	7/9/2019	JIM URQUHART
Miscellaneous	Not Cleared	5/3/2020	City Planning Department
Site Plan review	Cleared	9/11/2020	MAXFIELD VERMY
Address approval	Cleared	10/14/2020	ELAINE LEI
Address approval	Cleared	10/14/2020	ELAINE LEI
Bicycle Parking	Cleared	10/14/2020	ELAINE LEI
Highway dedication	Cleared	10/14/2020	ELAINE LEI
Permit	Cleared	10/15/2020	ELAINE LEI
Hydrant and Access approval	Cleared	10/30/2020	MATTHEW CRAIG
Sewer availability	Cleared	10/30/2020	ELAINE LEI
Building over 3-story or 36-ft	Cleared	11/9/2020	CALOSHA APPROVED
Miscellaneous	Not Cleared	1/14/2021	City Planning Department
Historic Resource Verification	Cleared	2/2/2021	MICAELA TORRES-GIL
Internal circulation	Cleared	2/11/2021	EDUARDO HERMOSO
Redevelopment Project Area	Cleared	3/4/2021	DAVID URITA
Redevelopment Project Area	Cleared	3/4/2021	DAVID URITA
ZI	Cleared	3/4/2021	DAVID URITA
Low Impact Development	Cleared	5/5/2021	AMMAR ELTAWIL
Density Bonus 12.22.A.31	Cleared	5/12/2021	NGHIEM TRAN
DCP conditions approval	Cleared	5/13/2021	NGHIEM TRAN
Green Code	Cleared	5/13/2021	AARON COSTA
Roof/Waste drainage to street	Cleared	5/13/2021	THAN WIN

### Contact Information

Engineer	Bozorgnia,, Behrouz; Lic. No.: C79581	1557 WESTWOOD BLVD 145	LOS ANGELES, CA 90024
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### Inspector Information

No Data Available.
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### Pending Inspections

No Data Available.
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### Inspection Request History

No Data Available.
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## EXHIBIT F



### Westlake South Neighborhood Council

**Members**

President – Eduardo Aguirre  
Treasurer – Alexandra Morales  
Business – Nelson Castillo  
At-Large – Eric McAnally  
Resident – Victor Strukov  
At-Large – Christine Vazquez

**Meeting Address**

2230 W 6<sup>th</sup> St.  
Los Angeles, CA 90057

**Website**

[www.wsncla.org](http://www.wsncla.org)

**Mailing Address**

200 N. Spring St. #2005  
Los Angeles, CA 90012

**Facebook**

<https://www.facebook.com/WSNCLA/>

April 4<sup>th</sup>, 2020

Hakeem Parke-Davis  
Los Angeles Department of City Planning  
200 N. Spring Street  
Los Angeles, CA 90012

Re: DIR-2019-2893-TOC, 831-835 ½ South Westlake

Mr. Parke-Davis,

Please be advised that at a regularly held public meeting of the Westlake South Neighborhood Council (WSNC) on Thursday, February 27<sup>th</sup>, 2020, the following motion 5 yeas-0 nays-1 abstention.

The WSNC supports the application presented, with the following conditions:

- Provide seventeen (17) affordable units with a mix of extremely low-income, very low-income and low-income levels to promote mixed-income housing.
- Offer displaced tenants the right to a comparable unit in the new project at a rate that can be no more than the base rent as calculated following legislation's guidelines.
- Provide relocation assistance packages to displaced tenants above the minimum of not-at-fault eviction requirements in reference to the Rental Stabilization Ordinance and in consultation with the Los Angeles Housing Community Investment Department.
- Provide canopy trees capable of attaining the largest canopy size possible given spatial constraints and microclimate in consultation with Bureau of Street Services' Urban Forestry Division for planting areas for shade, comfort and energy efficiency, and provide shade-producing street trees at the minimum spacing permitted by the Division of Urban Forestry.
- Select plant species that are both native and non-native and suitable for the site's specific soil conditions and microclimate that provide habitat for native biodiversity.
- Provide improved lighting for safety and security for pedestrian paths, entrances and in the alley located on the west of the project and position to prevent glare onto neighboring properties.
- Provide outdoor lighting that is designed and installed with shielding such as the light source cannot be seen from adjacent properties or from above.
- Locate, design and screen utilities, rooftop equipment, trash enclosures, storage materials and all noise, and odor generating functions such that they do not detract from the overall environment.
- Place the apartment trash dumpsters in an area which is shielded from public view, and recycling bins in the trash enclosure area.

**City of Los Angeles Chart Section 900: Purpose of Neighborhood Councils**

*"To promote more citizen participation in government and make government more responsive to local needs..."*



## Westlake South Neighborhood Council



### Members

President – Eduardo Aguirre  
Treasurer – Alexandra Morales  
Business – Nelson Castillo  
At-Large – Eric McAnally  
Resident – Victor Strukov  
At-Large – Christine Vazquez

### Meeting Address

2230 W 6<sup>th</sup> St.  
Los Angeles, CA 90057

### Website

[www.wsncla.org](http://www.wsncla.org)

### Mailing Address

200 N. Spring St. #2005  
Los Angeles, CA 90012

### Facebook

<https://www.facebook.com/WSNCLA/>

The WSNC appreciates the opportunity to comment on this application as the certified representative serving the area in which the project is located. Please note that the WSNC does not speak on behalf of the City of Los Angeles but only on behalf of the community of Westlake South.

Please provide us with a copy of the determination letter, including all exhibits, via email to [eric.mcanally@wsncla.org](mailto:eric.mcanally@wsncla.org) in addition to mailing to the WSNC at the address indicated in the letterhead above and assure this letter from the WSNC is placed in all City case files for the project, including the files for Appeals to the Central Los Angeles Area Planning Commission, if any.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric McAnally", followed by a horizontal line.

Eric McAnally  
Chair, Planning and Land Use Committee  
Westlake South Neighborhood Council

## EXHIBIT G

**Applicant Copy**  
Office: Downtown  
Application Invoice No: 63670



\*6800163670\*

City of Los Angeles  
Department of City Planning



LA Department of Building and Safety  
LA ADIM 109006497 3/10/2020 12:46:54 PM

### City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord to your application, regardless of whether or not you obtain the services of

PLAN & LAND USE \$106.80  
DEV SERV CENTER SURCH-PLANNING \$2.67

Sub Total:

\$109.47

This filing fee is required by Chapter 1, Article 9, L.

Receipt #: 0109165017

Applicant: COALITION FOR AN EQUITABLE WESTLAKE/MCARTHUR PARK ( B:213-2694001 )
Representative:
Project Address: 831 S WESTLAKE AVE, 90057

**NOTES:** CEQA Appeal

ENV-2019-2894-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>Development Services Center Surcharge (3%)</b>	<b>\$2.67</b>
<b>City Planning Systems Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (7%)</b>	<b>\$6.23</b>
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

Council District: 1  
Plan Area: Westlake  
Processed by REASER, RICHARD on 03/10/2020

Signature: \_\_\_\_\_

Receipt #: 0109165017

\$109.47

Sub Total

PLAN & LAND USE \$106.80  
DEV SERV CENTER SURCH-PLANNING \$2.67

LA Department of Building and Safety  
LA ADIM 109006497 3/10/2020 12:46:54 PM

# EXHIBIT I

File No. [20-0694](#)

CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a California Environmental Quality Act (CEQA) Appeal for the property located at 719 South Hoover Street and 2801 West Leeward Avenue.

Recommendations for Council action:

1. DETERMINE based on the whole of the administrative record, that the Project is exempt from the CEQA pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. ADOPT the FINDINGS of the Director of Planning, attached to the Council file, as the Findings of Council.
3. RESOLVE TO DENY THE APPEAL filed by Margarita Lopez, Coalition For An Equitable Westlake/Macarthur Park (Representative: Claudia Medina, Law Office of Claudia Medina), and THEREBY DETERMINE based on the whole of the administrative record, that the Project is exempt from the CEQA pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Applicant: Albert Ganjian, Hoover 719, LLC

Representative: Gary Benjamin

Case Nos. DIR-2019-4090-TOC; VTT-82434-CN

Environmental No. ENV-2019-4093-CE

Fiscal Impact Statement: None submitted by the Department of City Planning. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

## Summary

At a regular meeting held on September 3, 2020, the PLUM Committee considered a an Appeal filed for the property located at 719 South Hoover Street and 2801 West Leeward Avenue. Staff from the Department of City Planning provided an overview of the matter. After an opportunity for public comment and presentation from the Applicant, the Committee recommended to deny the appeal and approved the Categorical Exemption for the project. This matter is now submitted to the Council for consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
HARRIS-DAWSON:	YES
BLUMENFIELD:	YES
PRICE, JR.:	YES
CEDILLO:	YES
LEE:	YES

LC 09/03/20

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**



HOLLY L. WOLCOTT  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER

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When making inquiries relative to  
this matter, please refer to the  
Council File No.: [20-0694](#)

## OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

September 30, 2020

**Council File No.:** [20-0694](#)

**Council Meeting Date:** September 30, 2020

**Agenda Item No.:** 8

**Agenda Description:** CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a California Environmental Quality Act (CEQA) Appeal for the property located at 719 South Hoover Street and 2801 West Leeward Avenue.

**Council Action:** PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT - ADOPTED FORTHWITH

<b>Council Vote:</b>	YES	BOB BLUMENFIELD
	YES	MIKE BONIN
	YES	JOE BUSCAINO
	YES	GILBERT A. CEDILLO
	YES	MARQUEECE HARRIS-DAWSON
	YES	PAUL KORETZ
	YES	PAUL KREKORIAN
	YES	JOHN LEE
	YES	NURY MARTINEZ
	YES	MITCH O'FARRELL
	YES	CURREN D. PRICE
	YES	MONICA RODRIGUEZ
	YES	DAVID RYU
	ABSENT	VACANT VACANT
	ABSENT	HERB WESSON

HOLLY L. WOLCOTT  
CITY CLERK

Adopted Report(s)

**Title**

Report from Planning and Land Use Management Committee

**Date**

09/03/2020

Google Groups

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**Fwd: 719 Hoover Additional Comments for PLUM September 3, 2020 hearing**

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**Claudia Medina** <cmedina323@gmail.com>

Sep 2, 2020 5:25 PM

Posted in group: **Clerk-PLUM-Committee**

Hi,

Can you please include the attached comments in support of the appeal for 719 Hoover which is on the September 3, 2020, PLUM agenda.

Thank you.

Members of the Planning and Land Use Management Committee  
200 N. Spring Street, Rm. 272  
Los Angeles, CA 90012  
Attn: Leyla Campos, Legis. Asst.  
[Clerk.plumcommittee@lacity.org](mailto:Clerk.plumcommittee@lacity.org)

Re: DIR-2019-4090-TOC; VTT-82434-CN  
ENV-2019-4093-CE  
Address: 719 South Hoover Street and 2801 West Leeward Avenue

Dear Members of the Planning and Land Use Management Committee

Appellant, the Coalition for an Equitable Westlake/MacArthur Park “the Coalition,” requests that the PLUM committee take into consideration the following additional information in support of our CEQA appeal of this TOC project.

**The Project Fails to Meet the Conditions to Qualify For A Class 32 Categorical Exemption**

- **The Project Site Cannot Be Adequately Served By All Required Utilities and Public Services**

Although the Director’s Determination recognizes that the surrounding neighborhood is “heavily urbanized,” the Director’s recommendation failed to provide substantial evidence of adequacy for utilities and other public services. There is substantial evidence in the record of inadequate infrastructure and emergency services due to the influx of projects – many of them TOC projects- approved and proposed for the area without environmental analysis. There is substantial evidence in the record that utilities and services are inadequate for The Project due to the cumulative effects and unusual circumstances created by the influx of projects approved, and in the pipeline, for the area in such a short time span without a corresponding increase in infrastructure, emergency services, utilities and public services to support the influx of projects.

The Project is inconsistent with the General Plan Framework Element and the mitigation measures adopted for the General Plan Framework because the project, and other projects approved in reliance on the TOC Guidelines, are approved without any finding and substantial evidence that the City’s infrastructure, especially first-responder response-times, is adequate

and capable of supporting the level of development in the Project Area and all other similar projects being approved in reliance on the ultra vires TOC Guidelines through the City.

- **The Project is Not Consistent with Applicable General Plan Policies**

Under General Plan Framework mandatory mitigation measure Policy 3.3.2, inadequate infrastructure and emergency services preclude discretionary increases in intensity of development. A project is ineligible for a Class 32 exemption unless it is consistent with all general plan policies and zoning regulations. The project is not consistent with the Wilshire Community Plan required findings of adequacy for infrastructure, traffic, emergency and other public services. The Project also fails to comply with Measure JJJ/LAMC requirements as outlined below.

### **Exceptions to Categorical Exemptions**

- **Cumulative Impact**

All exemptions of these classes are inapplicable when the cumulative impact of successive projects of the same type and in the same place is significant. Cumulative impacts of the many influx in projects in the vicinity must be conducted. There has never been a cumulative analysis of the related TOC projects in the area. The project is ineligible for a Class 32 Exemption because of the substantial number of related TOC projects that were never analyzed for their cumulative environmental impacts on traffic, infrastructure, emergency services, power and water.

- **Significant Effect Due to Unusual Circumstances**

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances – the unusual circumstances being the influx in projects approved and proposed for the area in such a short time span, many of them TOC projects approved and proposed without proper environmental analysis.

**TOC Guidelines/Measure JJJ**

The Project Determination violates LAMC 12.22 A31 and is thus ineligible for a Class 32 Exemption. The project's entitlements were based on TOC TIERS, and not on the base zoning and density as required by LAMC 12.22 A.31. Therefore the project violates LAMC 12.22 A.31 and is ineligible for a Class 32 Exemption which requires compliance with all zoning and general plan policies and regulations.

The Coalition believes the City's implementation of Measure JJJ via the TOC guidelines as applied to The Project and other TOC projects exceeds the authority provided in JJJ as well as violates several key provisions of JJJ.

Under Measure JJJ Section 6, there is no authority to provide additional incentives, incentives combined with any other incentive programs, nor is there the authority to create the TOC tier system as used on this and other projects. Section 6 is limited to the incentives "herein" of Section 6: (1) additional residential FAR, (2) additional density and (3) reduced parking.

TOC projects under Measure JJJ Section 6 are intended to be ministerial and are not intended to be ministerial and are not eligible for discretionary incentives absent voter approval. The City must stay within the four corners of voter-approved JJJ as written which includes, but is not limited to requiring prevailing wages and limit incentives to those specified in Section 6 TOC, with incentives based on the underlying zone and not the Tiers as they are not in JJJ and have not been authorized by the voters.

Contrary to the express language of Measure JJJ, The Director of Planning's Determination for The Project approved additional incentives that were not included in JJJ Section 6. In approving The Project with these additional incentives, the Director acted in an arbitrary and capricious manner.

JJJ Section 6 does not authorize yard reduction (LAMC 12.21.C.1(g) or open space reduction (LAMC 12.21G.2(b)(3). The "additional discretionary" incentives granted to this project such as increased height were never approved by the voters. LAMC 12.22 A.31 allows up to three ministerial incentives (FAR and density increases, and reduced parking). This project received the following TOC incentives for a "qualifying Tier 3" project: (1) a 70 percent increase

in density; (2) an increased floor area ratio of 3.25:1; (3) reduced required parking of 0.5 spaces per unit.

This project, however, requested and received two additional incentives: (1) the utilization of the side and rear yard set back requirements of the RAS3 Zone for a project in a commercial zone; (2) and a maximum reduction of 25 percent in the required amount of open space. for a total of 5 incentives.

### **Comprehensive Analysis of Housing Availability**

Measure JJJ requires that before TOC Guidelines can be adopted, a comprehensive analysis of housing availability must be conducted for each unique area (JJJ Section 4.A).

Measure JJJ requires a

“program to create and monitor an inventory of units within the Community Plan Area that are: subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of Lower or Very Low Income; subject to the City Rent Stabilization Ordinance; and/or occupied by Lower-Income or Very Low-Income households.”

No such comprehensive study or monitoring program exists for this TOC project area. The incentives approved for The Project violate the clear language of JJJ and could not be approved until the comprehensive analysis and monitoring programs are established.

In conclusion, the Coalition requests that the Class 32 Exemptions be rescinded and an EIR be prepared for the project, including a cumulative analysis of related TOC projects listed on Planning Department websites and reports for this area. We also ask that no Class 32 exemptions be issued for TOC projects seeking additional/ discretionary incentives.

Sincerely,

Margarita Lopez on behalf of the Coalition